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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 14, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

During times of repentance or in moments of humiliation, as well as times of overwhelming joy or affirmation, You enlighten us by Your spirit, Lord. At such times with the psalmist of old, we see inner depths in ourselves and our relationships, and we pray: ''Out of the depths, I cry to You, O Lord. Lord, hear my voice.''

Trusting this ancient wisdom to guide us further, our Nation and this Congress seeks forgiveness in You, Lord, and counts on Your Word always.

Longing for full resolve of all of the issues and dangers we face as a people, we need to wait, wait for You, O Lord, for the new day You will always show us.

We trust in Your mercy as we search the immediate darkness.

The Capitol Police and guardians of security across this country watch attentively. Like them, each of us must be on alert, tracking the enemy who would destroy us from outside and quietly stirring deeper virtue within until the fullness of redemption is found in You.

With Your Holy Name on our lips we pray, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 51, answered ''present'' 1, not voting 41, as follows:

[Roll No. 35]

YEAS—342

Ackerman	Bishop	Cantor	Davis (CA)	Hinchey	Maloney (NY)		
Akin	Blagojevich	Capito	Davis (FL)	Hoeffel	Manzullo		
Allen	Blumenauer	Capps	Davis (IL)	Hoekstra	Markey		
Andrews	Blunt	Capuano	Davis, Jo Ann	Holden	Mascara		
Armey	Boehlert	Cardin	Davis, Tom	Holt	Matheson		
Baca	Boehner	Carson (IN)	Deal	Honda	Matsui		
Bachus	Bonilla	Carson (OK)	DeFazio	Hooley	McCarthy (MO)		
Baker	Bonior	Castle	DeGette	Horn	McCarthy (NY)		
Baldacci	Bono	Chabot	Delahunt	Hostettler	McCollum		
Baldwin	Boozman	Chambliss	DeLauro	Houghton	McCrery		
Ballenger	Boswell	Clayton	DeMint	Hoyer	McGovern		
Barcia	Boyd	Clement	Deutsch	Hunter	McHugh		
Barr	Brown (FL)	Clyburn	Diaz-Balart	Inslee	McInnis		
Barrett	Brown (OH)	Coble	Dicks	Isakson	McIntyre		
Bartlett	Brown (SC)	Collins	Dingell	Israel	McKeon		
Bass	Bryant	Condit	Dooley	Issa	McKinney		
Becerra	Burr	Cooksey	Doolittle	Istook	McNulty		
Bentsen	Burton	Cramer	Doyle	Jackson (IL)	Meehan		
Bereuter	Buyer	Crenshaw	Dreier	Jackson-Lee (TX)	Meeks (NY)		
Berkley	Callahan	Crowley	Duncan	Jefferson	Mica		
Berry	Calvert	Culberson	Dunn	Jenkins	Millender-McDonald		
Biggert	Camp	Cummings	Edwards	John	Miller, Dan		
Bilirakis	Cannon	Cunningham	Ehlers	Johnson (CT)	Miller, Gary		
			Emerson	Johnson (IL)	Miller, Jeff		
			Engel	Johnson, E. B.	Mink		
			Eshoo	Johnson, Sam	Mollohan		
			Etheridge	Kanjorski	Moran (VA)		
			Evans	Kaptur	Morella		
			Everett	Keller	Nadler		
			Farr	Kennedy (RI)	Napolitano		
			Fattah	Kerns	Nethercutt		
			Flake	Kildee	Northup		
			Fletcher	Kilpatrick	Norwood		
			Foley	Kind (WI)	Nussle		
			Forbes	King (NY)	Obey		
			Fossella	Kingston	Olver		
			Frank	Kirk	Ortiz		
			Frelinghuysen	Kleczka	Osborne		
			Frost	Knollenberg	Ose		
			Gallegly	Kolbe	Otter		
			Ganske	LaFalce	Owens		
			Gekas	LaHood	Pascrell		
			Gibbons	Lampson	Paul		
			Gilchrest	Langevin	Pelosi		
			Gillmor	Lantos	Pence		
			Gilman	Largent	Peterson (PA)		
			Gonzalez	Larson (CT)	Petri		
			Goodlatte	Latham	Phelps		
			Goss	LaTourette	Pickering		
			Graham	Leach	Pitts		
			Granger	Lee	Pomeroy		
			Graves	Levin	Portman		
			Green (TX)	Lewis (CA)	Price (NC)		
			Green (WI)	Lewis (GA)	Putnam		
			Greenwood	Lewis (KY)	Quinn		
			Grucci	Linder	Radanovich		
			Gutierrez	Lipinski	Rahall		
			Hall (TX)	Lofgren	Ramstad		
			Harman	Lowey	Rangel		
			Hart	Lucas (KY)	Regula		
			Hastert	Lucas (OK)	Rehberg		
			Hastings (WA)	Luther	Reyes		
			Hayes	Lynch	Reynolds		
			Hayworth	Maloney (CT)	Rivers		
			Hill				

Rodriguez	Shuster	Tiberi
Roemer	Simmons	Tierney
Rogers (KY)	Simpson	Toomey
Rogers (MI)	Skeen	Towns
Rohrabacher	Skelton	Turner
Ros-Lehtinen	Smith (MI)	Upton
Ross	Smith (TX)	Velazquez
Rothman	Smith (WA)	Vitter
Roybal-Allard	Snyder	Walden
Royce	Solis	Walsh
Rush	Souder	Wamp
Ryan (WI)	Spratt	Watkins (OK)
Sanders	Stearns	Watson (CA)
Sandlin	Stenholm	Watt (NC)
Sawyer	Strickland	Watts (OK)
Saxton	Stump	Waxman
Schiff	Sununu	Weiner
Schrock	Tanner	Weldon (FL)
Sensenbrenner	Tauscher	Wexler
Serrano	Tauzin	Whitfield
Shadegg	Taylor (NC)	Wilson (NM)
Shaw	Terry	Wilson (SC)
Shays	Thomas	Wolf
Sherman	Thornberry	Woolsey
Sherwood	Thune	Wu
Shimkus	Thurman	Wynn
Shows	Tiahrt	

NAYS—51

Abercrombie	Hobson	Platts
Aderholt	Hulshof	Pryce (OH)
Baird	Jones (NC)	Sabo
Borski	Jones (OH)	Sanchez
Brady (PA)	Kennedy (MN)	Schaffer
Costello	Kucinich	Schakowsky
Crane	Larsen (WA)	Scott
Doggett	LoBiondo	Slaughter
English	McDermott	Stupak
Ferguson	Menendez	Sweeney
Filner	Miller, George	Taylor (MS)
Gutknecht	Moore	Thompson (CA)
Hansen	Moran (KS)	Thompson (MS)
Hastings (FL)	Ney	Udall (CO)
Hefley	Pallone	Visclosky
Hilleary	Pastor	Weller
Hilliard	Peterson (MN)	Wicker

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—41

Barton	Goode	Pombo
Berman	Gordon	Riley
Boucher	Hall (OH)	Roukema
Brady (TX)	Herger	Ryun (KS)
Clay	Hinojosa	Sessions
Combest	Hyde	Smith (NJ)
Conyers	Kelly	Stark
Cox	Meek (FL)	Traficant
Coyne	Murtha	Udall (NM)
Cubin	Myrick	Waters
DeLay	Neal	Weldon (PA)
Ehrlich	Oberstar	Young (AK)
Ford	Oxley	Young (FL)
Gephardt	Payne	

□ 1027

Mr. HEFLEY changed his vote from ''yea'' to ''nay.''

Mr. ISSA changed his vote from ''nay'' to ''yea.''

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 35, had I been present, I would have voted ''yea.''

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Rollcall vote No. 35, on approving the Journal, I would have voted ''yea.''

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SIMPSON). Will the gentleman from California (Mr. SCHIFF) come forward and lead the House in the Pledge of Allegiance.

Mr. SCHIFF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 325. Concurrent Resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested.

S. Con. Res. 96. Concurrent Resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States.

S. Con. Res. 97. Concurrent Resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minute speeches will be postponed until the end of the day.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 622, HOPE FOR CHILDREN ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 347 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 347

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, with Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in each of the Senate amendments with the respective amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

□ 1030

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 347 provides for a single motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in each of the Senate amendments with the amendment printed in the report of the Committee on Rules accompanying this resolution.

The resolution waives all points of order against consideration of the motion to concur in the Senate amendments with an amendment. It provides 1 hour of debate in the House, equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means. Finally, the resolution provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

Mr. Speaker, the amendment to be included in the motion provided for in this resolution would amend the Internal Revenue Code to: One, provide for supplemental stimulus payments; and, two, accelerate the 25 percent individual income tax rate. It also sets forth provisions specifically applicable to business, including: One, a special depreciation allowance for certain property acquired after September 10, 2001, and before September 11, 2004; two, a temporary increase in section 179 expensing; and, three, an increased carryback period for certain losses.

The amendment extends various expiring provisions including: One, the credits for qualified electrical vehicles, work opportunity credit, and the welfare-to-work credit; and, two, provisions concerning a taxable income limit on percentage depletion for oil and natural gas produced from marginal properties, parity in the application of certain limits to mental health benefits, and the availability of medical savings accounts. The amendment also reauthorizes Temporary Assistance for Needy Families supplemental grants for population increases for fiscal year 2002, and provides special allowances for a designated ''New York Liberty Zone'' for the area damaged in the 9–11–2001 terrorist attacks.

Mr. Speaker, the amendment further provides a program of temporary extended unemployment compensation, establishes a displaced worker insurance credit, and amends the Workforce Investment Act of 1998, with respect to national emergency grants, to authorize grants for employment and training assistance and temporary health care coverage assistance to workers affected

by major economic dislocations. Finally, the amendment provides for temporary State health care assistance.

Mr. Speaker, as my colleagues know, this is our third effort to pass a much-needed stimulus package. Regrettably, the other body has failed thus far to act with equal dispatch on this important legislation. Today we will attempt once again to move forward with a carefully crafted, balanced package of measures designed to stimulate economic recovery and to provide assistance to those affected by the recent economic downturn. It is our hope that the other body will respond in an affirmative fashion to this initiative and that we can quickly move this important legislation to the President's desk as soon as possible.

Accordingly, Mr. Speaker, I urge my colleagues to support both this resolution and the motion to be offered by the gentleman from California (Mr. THOMAS).

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to strongly oppose this rule because Republican leaders are using this rule to block immediate assistance for the millions of Americans who cannot find work in this recession.

Those are the facts, Mr. Speaker, plain and simple. They are not hard to understand, and, unfortunately, they are not surprising, because Republican leaders have consistently used their power to block bipartisan compromise on economic security.

Mr. Speaker, we want a simple straight up or down vote on a 13-week extension of unemployment benefits. The Republicans, on the other hand, want a 13-week extension, plus a junked-up stimulus package, a package they know has no chance of being passed by the United States Senate. So their cynical action has the effect of denying people the 13 weeks of unemployment benefits. This is not very complicated.

Last Sunday morning I was sitting around at home and I was watching one of my favorite Sunday interview shows, Fox News Sunday, and the Republican leader of the other body was on that show. He was asked a question. He was asked, ''Well, Senator, what about the fact that we are going to have a budget deficit again, that we are going to have a budget deficit of $70 billion, $80 billion or $90 billion this year?''

His response was, ''Don't worry about that budget deficit. We are never going to pass a stimulus package, so we won't have a budget deficit.''

Now, the package that the other side has brought forward, again, has a $70 billion cost, contribution to the deficit, in fiscal year 2002, a $70 billion cost in fiscal 2003, a $175 billion cost over the next 5 years. They know it is not going anywhere.

What we are asking is a straight up or down vote on something that has already passed the Senate, a 13-week extension of unemployment benefits. They have refused to give us that straight up or down vote, and we will resist the rule because of that.

The gentleman from New York (Mr. RANGEL) has asked for the opportunity to offer the measure that passed the Senate. They denied that in the Committee on Rules. We will present that on the floor again this morning. Today, unfortunately, we have done everything we can.

We can stop politics as usual, we as a body, if we want to. We can pass a noncontroversial bipartisan bill to help the millions of Americans who are suffering through this recession. Make no mistake, these hard-working people need help now.

Remember, this recession started last March, nearly 1 full year ago, and a bad economy only got worse after September 11. Since that day, more than 1 million Americans have seen their unemployment assistance expire, and another 2 million workers will exhaust their benefits over the next 6 months. Today, almost 8 million Americans are unemployed and looking for work.

These are people who work hard and play by the rules. But now, through no fault of their own, they are out of work. They have got bills to pay and children to feed. They need a helping hand just to get through until they can find another job to support their families.

Now, Mr. Speaker, in the Committee on Rules last night, the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), testified that Republican leaders in the House are trying to help laid-off workers. They have tried before, he said, and they will keep on trying.

Well, as much as one might admire such persistence, Mr. Speaker, Americans who lose their jobs need more than ''trying.'' ''Trying'' will not pay their rent. It will not buy you groceries. And it will not pay for your health care or prescription drugs. The truth is, what Republican leaders call ''trying'' is nothing more than partisan gamesmanship and politics as usual.

Mr. Speaker, Republicans can stop trying today, and instead can act to help laid-off workers. That is what the United States Senate did last week when it acted unanimously to provide 13 additional weeks of unemployment benefits to Americans who have lost their jobs in this recession, and that is what the Congress has done during the past five recessions.

Mr. Speaker, of course House Democrats would like to do much, much more than the simple measure passed by the Senate. We have tried repeatedly to expand eligibility for unemployment insurance and to ensure that you do not lose your health care when you lose your job. We have proposed fiscally responsible tax relief to stimulate the economy and give a boost to small business.

Democrats have reached out to find bipartisan consensus on these ideas. In fact, the gentleman from California (Mr. DOOLEY) came to the Committee on Rules last night with a substitute motion that would have combined business depreciation relief with the extension of unemployment benefits, but Republican leaders refused to budge. They would rather play election-year politics than work together to restore the economy.

Mr. Speaker, we can stop that today. We can fill the most pressing need created by the recession. We can pass extended unemployment assistance so the President can sign it into law tomorrow, but for that to happen, Republicans will have to put politics aside for just a few hours this morning. They will have to stop using out-of-work Americans as pawns for their partisan games. They will have to stop holding laid-off workers hostage to the amendment the gentleman from California (Mr. THOMAS) is offering today, a warmed-over version of the same old Republican plan that has failed twice before in the United States Senate.

Mr. Speaker, that Republican plan is not bipartisan. It will not do much to help the laid-off workers or provide economic stimulus. And because it will put Americans further in debt, it threatens Social Security and Medicare and is just plain dangerous to the economy over the long term.

But Republicans have the majority in the House. They can bring it up any time they want. Today, however, by attaching it to the bill passed by the Senate, Republican leaders are blocking immediate help for those Americans hardest hit by the recession.

Mr. Speaker, the choice we face this morning could not be more simple: Out-of-work Americans have been waiting months for assistance. If you defeat this rule, we can act today to give them the helping hand they need. But if you pass this rule and block the noncontroversial bipartisan Senate bill, you will force laid-off workers to keep on waiting.

Mr. Speaker, I urge my colleagues to show a little heart on this Valentine's Day. Do not hold laid-off workers hostage. Defeat the rule and provide them with the help they need now.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to avoid improper references to Senators, such as quoting remarks of Senators in the media.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I cannot believe that my friend from Texas thinks we should not try, that we should not try, to help those who are currently unemployed because of the events of September 11,

because of the recession, and we should not try to help people get a job.

People want a paycheck. Yes, we got to help those who are currently displaced by the horrible events of September 11 and the worsening economy that resulted, but ultimately we are going to get these people back to work. That is what they want, that is what they deserve, that is where they are going to get the dignity they want and the financial security they want.

On September 11 our economy got a whole lot worse. It was already struggling. Americans are now looking at this body for help. Not politics. They are looking for help, and we are going to try, and we are going to try and try and try.

This is the third time that we have brought to the floor a balanced package that helps those who are displaced. In fact, it helps those who are displaced who have lost their jobs a lot more than the clean unemployment insurance legislation that the gentleman just proposed. It does more than extend for 13 weeks. It does more to take care of their health care.

We are going to hear more about this later, but what we are proposing is something much more generous for those who have been unemployed, but also, very importantly, to get those folks back to work. A million people have lost their jobs.

So we are going to try. We are going to try and try again. Maybe the third time is a charm. Maybe Valentine's Day will bring something special. Maybe we can show a little heart today and help people, not just with their unemployment, but for them to get back to work.

It does two things. First it helps get the consumer back in the business. It helps give people some more money back in their own pockets to get this economy going. The economists we have talked to, and we have talked to dozens of them, all agree. We need to get the consumer back into the business of buying and getting this economy going from the bottom up. It does that.

It helps those who did not get tax relief last year because they do not pay Federal income taxes. Who can use it more than those people? They are going to get out there and spend that money. We want to help them to do it. It also helps those who are middle-income American families by accelerating the tax relief we passed last spring.

Second, it incentivizes businesses to go out and create jobs. Now, when I am home talking to my small-business people, they are very excited about what is in this package. They want to see an immediate expensing of 30 percent of anything that they buy. That is going to help create jobs. Small businesses are going to benefit directly by this.

This is not about politics; this is about jobs. This is a balanced package. I urge my colleagues to help everybody, those who are unemployed, but also help those people who are currently employed whose jobs are at risk, to ensure that we can get people back to work and to do so quickly.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Texas, the ranking member, for yielding time.

Two hundred billion dollars and 10 years later, I predict for you that this measure that we are going to vote on in this bad rule will not have given one child hope. I cannot imagine how much cynicism it took to name this the ''Hope for Children Act.''

Last night House Members diligently studied, debated and approved new campaign finance laws for America, and the Committee on Rules, the gentleman from Texas (Mr. FROST) and I and others, met at 11:30 at night and reported out a rule that the majority of Members did not see then and have not seen now. It is a bill that Members are being asked to vote on this morning before they or their staffs have even had a chance to read the text of the bill.

□ 1045

Yesterday afternoon, the talk was that the House was going to vote on an extension of unemployment benefits. That is what the Senate did. This is a plan that is both bipartisan and bicameral that we could pass. In addition, economists and labor experts alike have pointed out that the extension of unemployment benefits is a true economic stimulus.

However, the bill that Members are being asked to vote on today is not just an extension of unemployment benefits; that is something, as I said, that the Senate passed. Instead, the majority has taken an issue as important as the extension of unemployment benefits and wrapped it up in a blanket of tax cuts to those who need them least. This bill is a third example of how the majority insists on playing politics with American lives. It is Lent season that began on yesterday. Maybe you all ought to give up the stimulus package for Lent, because it is not going to pass the Senate, and everybody over there and over here knows that.

At a time when our country's unemployment level is the highest it has been in more than a decade and workers who lost their job in the wake of September 11 will exhaust their 26 weeks of unemployment and insurance benefits beginning mid-March, it is shameful that Congress has not acted. The fact of the matter is, if this bill is approved, it will never go to President Bush's desk. Unemployment benefits will not be extended. On the contrary, the bill will return to the other body where it will meet its death and all of us know that.

My grandmother used to let me listen to a program on the radio called ''Let's Pretend'' and that is exactly what we are doing here. I do not know when it is that we stopped pretending. The gentlewoman from Pennsylvania (Ms. HART) on that side and myself introduced H.R. 2946 that provides for human needs, dealing with education for health care coverage and providing a quality education for these children that this bill is supposed to give some hope to. Our bill extends unemployment and health care benefits, while also providing job training.

Mr. Speaker, we talk about jobs. Evidently that $500 tax cut did not get to K-Mart and Toys-R-Us to be spent by us, because they seem not to be doing business so well.

We have opportunity, Mr. Speaker, to help Americans fulfill their human needs. Defeat this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me time.

Had we had an opportunity to try to amend this bill that this rule provides for, I would have offered an amendment to lift the income tax on the unemployment compensation that many people have been receiving and, nevertheless, have to pay tax on it. Because of a quirk in the law of 1986, those unemployment benefits, the ones which we are discussing here today, are taxable.

My amendment to this rule would have provided for repealing the tax and make it retroactive through the year 2001. Why? Because in 2001, we began to see a creep-up of unemployment compensation claims as a result of the layoffs that were occurring. And that became exacerbated on September 11 and, what followed, because even more people, by the exigencies of what happened there, applied for unemployment compensation.

So what I plan to do is to entice all of my colleagues to get on a bill that we have introduced to reduce and to eliminate the taxes on unemployment compensation. This has an additional double benefit. If we remove the income taxes from the unemployment compensation benefits back to 2001, it constitutes a tax cut. That is an absolute tax cut in the image of what the President needs to stimulate the economy, because it will be cash remaining in people's pockets, especially those who are unemployed and are on unemployment compensation. Secondly, it is the fair and right thing to do. Why should we see a situation in which a person receives an unemployment compensation check and then has to pay tax on it?

Mr. FROST. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I have been in this august body with great

pride for over 3 decades. I have seen some pretty political things happen on this floor on both sides of the aisle, but this has to be one of the most mean things that I have seen since I have been here.

The reason for that is that we are holding hostage millions of Americans that we promised early on that we were going to help. How many of my colleagues remember when we voted to give $15 billion to bail out the airline industry? How dramatically the minority leader and the Speaker got on the floor and promised that we would provide health benefits and unemployment compensation to those people who, through no fault of their own, have lost their jobs and lost their health benefits. All of a sudden, this was folded into a stimulus package. We did not say that we had to pass obscene tax cuts to help these people. We said that standing alone, these were hard-working Americans that deserved help from their country during time of war and time of recession.

So each time we address this question, we have to find out how many billions of dollars of tax cuts we are prepared to absorb. What are we willing to do in order to bring these people along?

The chairman of the committee says he is going to keep doing it this way until they finally get it. Well, what is it that the other body has to get? Whether they are right, whether they are wrong, whether they are incompetent, the fact is, they have said that they have thrown up their hands in complete surrender as it relates to a stimulus package and sent over here with a unanimous vote the mere benefit of extending unemployment compensation for 13 weeks. Should they be proud of that? I think not. Should we be proud to accept that? I think not.

But worse than just going home and saying, that is all we could do is extend this, there are two things that are worse than that. One would be to do nothing. To say, because it was not enough, we in the Congress felt that we should do nothing. Because we did not provide for health benefits, we should do nothing. That would be worse.

But the second worse thing, the second painful thing is to be hypocritical enough to allow these wretched souls to believe that we are doing something to help them, knowing that this bill has been stacked to leave the House to face defeat because the Senate cannot and will not even take it up. Who knows this? Mr. Speaker, 435 Members of this House of Representatives know today that the Senate will not, and they would claim politically and parliamentarily, cannot take it up.

To give false hopes to these people is one of the meanest things that I have ever seen happen. And who are these people? Are they illegal aliens? Are they people who are not citizens? Are they threats to our national security? Are they terrorists? Are they people that get our vital patriotic juices up so that we are against them? Oh, no. These are people that work every day, that have families, rent to pay, electricity to pay, mortgage payments, tuition. These are families that are breaking up all over America because of the burden of not being able to have the dignity of having a job.

Are we doing enough for them to give them unemployment benefits? Of course not. These people do not want handouts. They want a hand up. They want a job. But just because genius minds on the Republican side decide that the best way to give them a job is to give them refunds of tax benefits that they have paid; the best way to give them jobs is to make permanent the tax system sometime in 2011; the best way to give them jobs is to come up with a new health delivery system that destroys the employer-employee relationship.

Wonderful ideas, but what about the guy and the lady that has a family, that has lost their home, that has lost their hope, that has lost their reason for being and they are waiting for us just to help out a little bit. Are we going to give them sophisticated and complex reasons why we cannot help? What a rough day to be a Member of this House.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

I always enjoy my colleague's description of legislation. It is difficult to recognize it when he finishes. I find interesting the fact that we are now reduced to simply saying that 13 weeks of unemployment insurance is the proper response to a Nation in need, not just those who are currently finding themselves, through no fault of their own, unemployed, but a business sector that does create jobs looking for help.

What the gentleman from New York did not tell us was that there are provisions in this bill to provide $13.7 billion to people who do not pay income taxes and perhaps not even payroll taxes. This was a help as a stimulus to individuals who will clearly consume every dollar that they have been provided. The President supported this; we support it. It seems now our friends on the other side of the aisle have decided that is not necessarily a good idea. Oh, it may be a good idea, but it is not worth fighting for. The Senate has defined what it is that we can do. Unemployment insurance is all that we can do.

Well, I will tell my colleagues, on this side of the aisle we find that unacceptable. We provide unemployment insurance in this package in a way in which where, when States have more than 4 percent of unemployment, they do not just get the 13 weeks that the gentleman from New York is pleading for; they get 13 weeks after 13 weeks after 13 weeks, that is, a continued renewed 13 weeks if the State continues to have high unemployment. In other words, it takes unemployment insurance out of the political football category. We sent unemployment payments to the Senate in October of last year. We are now receiving their response in February. Who is at fault? We are. We can devise a system that takes unemployment insurance out of the political football business. If this is to become law, then a State in need for the rest of calendar year 2002 will automatically trigger the ability to receive 100 percent-funded Federal unemployment benefits.

But it seems to me also that the gentleman from New York failed to mention that we have what is called the ''liberty zone package'' here. The people from New York took a hit for all Americans. In this is a provision to help rebuild Lower Manhattan. I guess because the Senate said they did not want to do it, we should set that aside.

What we are really hearing from the other side is that what we ought to do is the lowest common denominator. That is not acceptable. Business needs some help, low-income individuals need some help. Those who are unemployed need some help. This package does it. Why do we not, instead of talking about how little we can do, look at this package as the appropriate response and tell the Senate what the Senate did was not good enough.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

I have listened very patiently to my colleague and friend from California. What my colleague from California is urging is the old-fashioned game of chicken. Let us all play chicken with the Senate while people who are out of work do not get the 13 weeks of extended benefits. It is time for those kinds of games to stop.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

□ 1100

Mr. BENTSEN. Mr. Speaker, this bill has two problems. The first problem is that the majority has written a brand-new stimulus bill costing at least $150 billion over 10 years and brought it to the floor on the day that we are recessing for the President's Day holiday or work week. The Senate is, if they have not left already will be leaving soon, and so what happens is even if the House is to adopt this, the Senate is not going to take it up for at least another week and a half or longer. People who have been unemployed since last spring of 2001 are going to get nothing.

Now, we can argue over what should be in a stimulus package and what should not be in there; but the fact is we could very easily extend unemployment compensation for 13 weeks today, and it would be done for the time being until we get back. But the other side

does not want to do that because they want to continue the debate and the bickering that goes on, and I think that is a mistake.

The second problem is that no one is recognizing the fact that in the last year we have lost $4 trillion in surplus value in this country and we are now eating into the Social Security surplus. And here is another $150 billion. There are some good ideas in here. I like some of the ideas. But at some point somebody is going to have to pay for it. The taxpayers are going to have to pay for it. My children will have to pay for it, your children. We are just adding on to the debt again. Last year we were debating how quickly we could pay down the national debt. Now we are talking about adding another $150 billion in debt and digging into Social Security.

In the long run that is not going to do anything. And so much of the stimulus package does not even occur until the out-years. The economy will be well out of a recession, I hope, by 2003, 2004. But this package is cutting into the surplus or what used to be the surplus all through those years.

I think we have two problems here. Let us pass an unemployment compensation extension today that can go to the President's desk today so we can help the people today, and we will come back after the President's Day work week and we can continue to go back and figure out how we do a bill and how we protect the taxpayers from a mounting public debt because of the loss of a surplus.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, this is the third time we have had to pass this stimulus bill. The gentleman from Texas claims that we are creating a log jam in our process in order to defeat the items in this bill. I think on the other hand it is the Senate that is creating the log jam. The Senate did not have the courage to pass more than 13 weeks of unemployment to this body. How many times are we going to have to pass this bill before we can get the Senate to wake up and break that log jam?

The Senate sent a bill back to us with 13 weeks of unemployment. No potential extension for States like my State, second highest unemployment in this Nation, Washington State. The bill that they sent over had no health care coverage. That is a huge problem. I have a problem, 7.1 percent unemployment in the State of Washington, and the Senate sends over to us a bill that gives those folks 13 weeks of unemployment insurance but no coverage for health care or for anything else.

I want to talk about this bill, Mr. Speaker. This bill contains a $37 billion amount that would be used for retraining of folks who lost their jobs since last March 15, and includes over $13 billion for health coverage alone. And we do not do this coverage just for COBRA people, for people who worked for big companies who get off that job and can buy their own COBRA insurance. We also cover the people who work for small businesses, under 20 people, that do not have access to COBRA. That is very important. Our bill is much broader, much deeper.

Let us talk about these rich people whose marginal tax rate is being reduced. These marginal people are 660,000 entrepreneurs in my State of Washington alone. These rich people who are in the 27 percent rate bracket that we want to bring down immediately to 25, they are that single school teacher who is earning $30,000 a year who cannot even afford to live in the community where her school exists and has to drive miles every day. This is the rich person that our opposition talks about, Mr. Speaker, that we are trying to help. You bet we are trying to help that person. We are trying to help that person in many different ways.

The reality is that the Senate has delayed this bill. For the third time we will send this bill back over to the Senate. We have a President who is willing to sign this bill, a bill that contains rebate checks for low-income working folks who did not get checks last year, a bill that includes accelerated depreciation so small businesses and businesses of every size can catch up and make purchases for their company and buy those computers which would help stimulate that portion of our economy. I would like to put death tax permanence in this bill, but we are keeping this bill clear so we can move it through as fast as possible.

Mr. Speaker, I urge the Senate to get off their chairs, to stand up for the people at home, the people who are going to lose their jobs in my district because of Boeing, the folks who are losing their jobs all over this country. See the wisdom of this bill and the delicate balance we have defined and pass this bill out as we pass it today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to not urge action on the part of the other body.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who represents a number of unemployed people who used to work for Enron.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me time.

Mr. Speaker, I believe what is recognized by the unemployment assistance provided by the other body is that we are in a crisis. We are in a recession. We helped the airlines; but yet with 12,000 and thousands of employees being laid off we did not help those employees. As the months and weeks got longer and longer, we saw more and more companies across the Nation laying off hard-working Americans.

More than 1 million jobless workers have had their unemployment benefits expire since September 11. And, Mr. Speaker, 2 million will likely exhaust their regular unemployment again in the first half of 2002, inability to pay mortgages and car notes and tuition payments and, most of all, health care.

What we are saying today, Mr. Speaker, if we are truly sincere about the thousands of ex-Enron employees that are laid off and all other employees across this Nation who are telling us that they will have no unemployment insurance, no ability to pay their health care in the next couple of months, let us pass a stand-alone bill.

I had last night, Mr. Speaker, an amendment that would have extended the unemployment benefits for a year. It was not tied to the unemployment percentages in your State. And the reason is if you are unemployed and your State happens to have a 4.10, 4.1, 4.2 unemployment rate, and it is higher than the baseline, you are still hurting. You still need the time. You still are unemployed. Yes, we want jobs. And I would like to join my colleagues on the other side of the aisle in establishing a premise upon which we can secure more jobs. But these are hard-working Americans who were laid off. They had jobs. They want jobs but they need to survive now.

Let us vote up or down on the unemployment stimulus package that deals with unemployment only, and let us make sure we get that passed. I would have wanted this amendment to be in, but it did not happen. And let us avoid exploding and taking away from the Social Security Trust Fund. Let us do it right and work together. I ask my colleagues to defeat the previous question in the rule so we can work on behalf of the workers of the United States of America.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise in strong support of the rule and of the underlying economic security and worker assistance act.

It is Valentine's Day, Mr. Speaker; but there is obviously not a lot of love in this room. And there should be. One million Americans have fallen into unemployment this year. While Congress focuses on issues that 1 or 2 percent of the American people think are urgent, a million American families are struggling under the weight of this recession. It is our hope on this side of the aisle, Mr. Speaker, that the third time is the charm. But I want to speak specifically to several comments made by the gentleman from Texas in a passionate and typically eloquent way.

He accused this measure offered by the majority of being cynical. And I do not know, Mr. Speaker, I am new to this town, but it seems to me that what is more cynical: Trying to help

people that are unemployed by helping not only the wage earner but also the wage payer, or is it more cynical to offer a stimulus bill that does nothing for the people that you want folks to be hired back by?

And we have been accused of blocking today, Mr. Speaker. Again, I am new to Washington and I am from south of Highway 40, but it seems to me this is the third time we have passed a stimulus bill with benefits for the unemployed in it and it has been blocked, Mr. Speaker, somewhere else. And only in Washington, D.C. would you be accused of having tried thrice to accomplish something and now you are blocking it.

Should we do more? We have been accused by the gentleman from Texas. Well, we are. We are offering not just 13 weeks but we are triggering additional unemployment benefits and vouchers to pay 60 percent of the cost of health insurance coverage. And this business of using laid-off workers as pawns, who uses the hurting family as a pawn, the one who labors to meet their need for assistance today and a job tomorrow, or the person content with accepting uncompromising obstruction that does nothing to help the plight of the unemployed today?

I urge passage of the rule and this measure.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, the laid-off workers of America are waiting and waiting and waiting. They are waiting for help they need and have been promised time and time again. But it looks as if they will once again be held hostage by the majority leadership's decision to attach their economic agenda to a worker-relief bill.

In October we were promised, and displaced workers were promised, an assistance package as soon as Congress passed a bill to help the airline industry. Airlines got help; displaced workers did not. Broken promise.

In December we were promised, and displaced workers were promised, they would receive help. It did not happen. Broken promise. Even the President wants this Congress to pass a stand-alone worker-relief bill instead of continuing to play stimulus politics. I have here a chart that shows part of a letter from the President of the United States to me on December 11 on which he called on Congress to send him a stand-alone worker-relief bill regardless of the success or failure of any other elements of the economic stimulus measures now pending.

The last week the Senate passed worker-relief legislation; but instead of fulfilling the promise to displaced workers, House is still trying to get a so-called stimulus package and displaced workers are the victims once again. Broken promise.

Who are these displaced workers? These are people who just need assistance. They lost their jobs through no fault of their own because of the recession or because of September 11. They were taxpayers before, and they will be taxpayers again just as soon as they find a job. But they need to be able to survive until they find that next job. 300,000 workers ran out of unemployment benefits in December. More ran out in January, and each month more will run out until we pass this package and give assistance to these people again.

Today we have the opportunity to expend for 13 weeks unemployed benefits. The President has asked for a stand-alone package. The Senate has passed it. Laid-offer workers deserve it. Let us give them a helping hand. Let us vote against this rule. Promises made, promises broken. The American people are watching and the clock is ticking.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time.

I am very impressed with the letter that my colleague, the gentleman from Kansas (Mr. MOORE), just placed before us. And I would commend it to my colleagues. He is absolutely right. The President said that by the end of the year he did want a package that would address the unemployment issue. But notice the next line in there. The President also insisted on having a health benefits package.

Guess what? The measure we are going to be voting on right here will help meet the demand that the President has put forward. It seems to me that we need to realize that if we were to wait on the other body for every action that we have taken, we would not have passed Trade Promotion Authority. We would not have passed an energy bill to help us attain domestic energy self-sufficiency. We would not have passed the faith-based legislation. We would not, as I was reminded last night, have passed the very important bipartisan election reform measure that came out of this institution.

It seems to me that we need to realize that the important thing for us to do right now is to focus not only on this very important issue of providing benefits to those who are suffering, those who are hurting, unemployment benefits and health benefits; but also we needs to focus on what it is that will address this issue. And that is what the gentleman from California (Mr. THOMAS) and the members of his committee have done, and that is job creation and economic growth.

We know full well that the President wants that because he understands that the only way that you are going to effectively deal with those who are hurting today is to create an opportunity for a job for them. And so tying the two together is something that is absolutely essential if we are going to address this in a long-run way. So I urge my colleagues to vote for this rule and vote for the package that will allow us to provide unemployment benefits and health benefits for the American people along with the very important job-creation vehicle necessary.

□ 1115

Mr. FROST. Mr. Speaker, I would inquire about the time remaining.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. FROST) has 8½ minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 12½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, last night the Republican leadership here in the House kept us until almost 3:00 in the morning in order to try to kill campaign finance reform, and this morning, a few hours later, they offer us this bill—proof positive of how desperate our Nation is for approval of campaign finance reform.

Today, of course, is Valentine's Day, but here in the House almost every day is Valentine's Day for special interest allies of this Republican leadership. They live and die by the motto, ''friends help friends get tax breaks whenever they can.''

Indeed, before the dust had settled over Ground Zero on September 11, within hours, the same folks that are promoting this bill were wrapping their old tax-break rhetoric in red, white and blue and claiming it was necessary in the war on terrorism.

Only a few days later they were working to repeal the alternative minimum tax to ensure that the appeal of President Bush for sacrifice in this Nation would be met by our largest corporations being willing to sacrifice by accepting a tax rebate check. Who do my colleagues suppose was leading that effort in the special interests? None other than Enron.

Cannot my colleagues imagine that call to Houston, ''Kenny Boy, can you accept a mere $254 million of taxes that Enron paid and could not avoid over the last 14 years as your share of sacrifice?'' Is that enough sacrifice for Enron? And this morning, the same folks that were doing that, after a little public scrutiny of their proposed $254 million gift for Enron, decided they could not repeal it. So they determined instead to repeal all the elements of the same tax, and they are willing to hold the unemployed workers of America, including unemployed workers at Enron, hostage so that Ken Lay, who still has six or seven houses to live in, and his company and other companies can share the sacrifice demanded in these difficult times by paying no taxes at all.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise in support of the rule and the underlying bill. It is interesting to listen to my friends on the Democratic side of the aisle make up excuse after excuse why we should do nothing about getting this economy moving again. We have to remember why we are here. Our Nation is at war against terrorism. We are building our homeland security, and we are in an economic recession, and winning the war against terrorism requires getting our economy moving again.

Almost a million Americans have lost their jobs since the terror attack on September 11, tens of thousands in the area that I represent around Chicago, and we know that terrorists directly attacked our economy.

We have to work in this Congress to help those who are unemployed. The plan that the gentleman from California (Mr. THOMAS) has brought before us is more generous than what we passed before. It is more generous than what the Senate sent over last week, and I would note that no one falls through the cracks under this plan, and this plan also provides the opportunity to give confidence back to investors and consumers who lost it after the terror attacks.

Twice this House has acted to get this economy moving again. We must give workers the opportunity to go back to work, and that is why we need to pass this legislation again today.

Investment drove this economy in the past decade, creating hundreds of thousands of new jobs. The stimulus and economic security package that is before us today rewards investment and the creation of jobs. This plan includes the 30 percent expensing, accelerated depreciation as well as giving small business the opportunity to expense more, up to $40,000, and when my colleagues think about it, what this means to workers is that when a business or employer buys a computer or buys a pickup truck, there is a manufacturing worker somewhere who made that product. There is also someone who is going to install it. There is someone who is going to service it, and, of course, someone who is going to operate that piece of equipment, and accelerated expensing and accelerated depreciation will help. It also helps homeland security, making it easier to afford safety and security equipment.

The bottom line is we need to get the economy moving again. Let us give American workers the opportunity to go back to work. Let us pass this bipartisan economic stimulus and economic security plan.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

That is very peculiar logic on the other side. The Senate has sent us a 13-week extension. If the other side does not want the 13-week extension, let us have a vote as the gentleman from New York (Mr. RANGEL) has asked on the 13-week extension, and they can vote no. Let them vote no, but they do not have the courage to do that. Instead they are denying us a vote on the 13-week extension in the guise of we have got something much better.

Well, something much better is not going to happen, and we can argue about whether it is better, but if they do not want the 13 weeks today, then let us have a vote on that, and let them vote no against the 13 weeks extension.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, the bill that is before us today is almost savage in its insensitivity to the plight of American families who have lost their jobs through no fault of their own, the plight of the American worker who lost their job before September 11 and found job-hunting much more difficult after September 11, the people who have lost their job since September 11 and do not qualify for any unemployment benefits because of all of the loopholes that have been riddled in this system. It is savage in its insensitivity to what these families are going through.

I have had an opportunity to meet with unemployed workers in Los Angeles and Indiana and New Jersey, people who have worked for 15 or 20 years, and their job disappeared through no fault of their own because of terrorism, because of an economic downturn, and now they find themselves without any resources. Unemployment is running out, 11,000 people a day. While my colleagues are on recess, 120,000 people will lose their unemployment benefits. More people exhausted their unemployment benefits in December than any time since 1973.

What does this Congress do? What does the Republican leadership do? It insists, it insists upon playing ping-pong back and forth with the future and the lives and the well-being of these American families.

Thirteen weeks of unemployment insurance for those people running out of unemployment who have exhausted their benefit is available today, but the Republican leadership is going to play ping-pong. We are going to send it back to the Senate and go home. Happy Valentine's Day.

Listen to the unemployed. Maybe my colleagues do not spend much time with them. Listen to the people who talk about invading their 401(k)s, their IRAs to try to save the mortgage, to try to say save their automobiles so they can continue to look for work. Listen to these individuals who are lining up never before in their life in food pantries so they can feed their families. Listen to the people who are working at the margins in the hospitality industry. They have no savings. They have no rainy day fund. They have no place to go, no credit. They were working at the margins. When that unemployment check stops, if even they are qualified, the music stops for them and their families.

Listen to the young truck driver out there who is working for Sunkist when it went bankrupt, laid them off, 15 years. He finally bought a house in Los Angeles. Now he was scrambling, begging his extended family, his friends to meet the mortgage payment. He invaded his retirement to make the mortgage payment. All he did was lose much of his retirement value down the road. No insensitivity at all on my colleagues' part for these families, for these workers, for these employees who have been thrust into this system where they get no benefits. No, my colleagues are going to send the bill to the Senate and go home, to go home and turn their back on the American worker.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I actually had a written statement to present, but I have been listening to this debate, and frankly I am outraged.

As I listened to the gentleman from California (Mr. GEORGE MILLER) accuse us of turning our backs on the worker, I look at their side of the aisle and have seen how many times since last fall they have voted down or tried to vote down an economic stimulus package. As for the gentleman from Texas (Mr. FROST) and his concern that there is not going to be a vote on that defenestrated piece of legislation that was sent over here from the Senate, let me help him with this.

The Senate will not even allow a vote on our stimulus package. They have been bottling this up now for months and months. Fifty bills held up in the Senate and they will not let them free, and frankly, it is on their heads what is happening to American workers, and I say this because in one region of my district alone the manufacturing sector has been hemorrhaging, a total of more than 4,000 jobs in less than 18 months. These job losses have dealt a $100 million blow to our region's economy, and the picture throughout my district looks like the rest of western Pennsylvania and more and more like the rest of the country.

During a single week in December, the number of workers receiving unemployment benefits who could not find new jobs rose by over 300,000 to over 4 million, the biggest 1-week jump in 27 years, and meanwhile, the Senate and some of our friends on the other side of the aisle are playing the usual political game.

Every day we fail to sign the economic stimulus package into law that the President asked us to pass months ago, it is another day where a worker or a dozen workers or a hundred workers are laid off or a business closes its doors. The statistics do not tell the whole story. American workers need help. They need help now. We have neighbors in need. We should act. Pass

this legislation, get it done, get it to the President's desk as he has requested and as American workers need.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind all Members to refrain from urging action or inaction by the Senate or characterizing Senate action or inaction.

Mr. FROST. Mr. Speaker, let me inquire about the time remaining.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 3 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 8½ minutes remaining.

Mr. FROST. Mr. Speaker, we reserve the balance of our time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, what we are trying to accomplish today with the passage of this third stimulus package is to create jobs and help the unemployed. I have just recently read in our local Capitol Hill newspaper that Members from the majority party in the other body want stimulus. They are breaking with their party leadership in asking for stimulus legislation to pass because in their home States they have a lot of people who are losing their jobs. So what we are trying to accomplish today is to give one more chance at it, to give one more crack at it to try and do whatever we can to get Americans back to work, to help grow the economy.

Let us take a look at what is in this piece of legislation. We hear about all these impugned motives. We hear about all these bad consequences. What we are trying to accomplish is to pass the kinds of legislation that when they have passed in the past have grown the economy and gotten people back to work. We want to make it easier for employers to keep people employed. We want to make it easier for employers to invest in their businesses, to invest in their employees and hire people back to work. On top of it, for those people who have lost their jobs, we want to help them with their unemployment insurance and with health insurance.

The Senate failed to respond on these issues. I am sorry the other body, excuse me, Mr. Speaker, the other body failed to address the issue of getting people back to work and in helping dislocated workers pay for their health insurance or they are out of work.

What we are trying to accomplish here is a recognition of a fact that in recessions, unemployment lags on even well after recovery has taken place. In my home State of Wisconsin, we have an unemployment rate that is much higher than the national average. We have lost almost 50,000 jobs just in manufacturing in the State of Wisconsin. We are in trouble in the State of Wisconsin, and we know that even though the Nation's economy may recover, we are still going to have a lot of layoffs, so that is why not just extending unemployment by 13 weeks, but allowing for those States that are still in trouble to extend it another 13 weeks beyond that.

Mr. Speaker, this is the right thing to do for our constituents. It is the right thing to do for the economy. It is common sense, and it is an appeal to the Members of the other body who want bipartisan success to get people back to work.

□ 1130

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members that the Senate and the other body are one and the same.

Mr. FROST. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Washington State for yielding me this time.

This debate has been very interesting indeed. In fact, one of my friends from Texas came down, and, talking about Valentine's Day, offered his own rhetorical version of a Saint Valentine's Day massacre of the facts as they exist.

You see, my friends, not once, not twice, but on three occasions now we have brought a package that the President requested. My friend from Kansas had the letter. The President asked not only for unemployment benefits but for health benefits.

We cannot control what others on this Hill may do, nor is that our mission. Our responsibility is to produce today the best legislation we can that provides unemployment benefits, with a trigger, in case tough times continue, as the President stipulated, which expands health benefits to get the help to the people my friend from California spoke so eloquently about, and deals with the very people my very good friend from Texas talked about when he engaged in Enronomics.

And, oh, by the way, with all the talk of campaign finances, perhaps it would do good for everyone to listen. From opensecrets.org, my good friend from Texas, who engaged in the rhetorical bloodbath about Enron, has taken in the past few cycles $4,850 from Enron. Those are the facts. And perhaps with his former profession, this is the undeniable evidence and the rest of the story.

As our second President, John Adams said, facts are stubborn things. How ironic it is that those who engage in the rhetorical wailing and gnashing of teeth will do everything, throw up any obstruction, make any excuse, offer any argument, . . . to try to deny the unemployed help.

Support the rule.

Mr. FROST. Mr. Speaker, I demand that the words of the gentleman from Arizona (Mr. HAYWORTH) be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1145

Mr. HAYWORTH. Mr. Speaker, if any of the words that I offered rendered some offense to anyone in this Chamber, I apologize and ask unanimous consent that they be stricken from the RECORD.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman's words ''arguments that they are, in fact, personally involved in, and up to their necks in'' will be stricken.

There was no objection.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, this is not really an insult of me or to the House, but to the 11,000 workers added to the rolls every day who are going without unemployment insurance and whose needs are being deliberately neglected by this House, and who will not receive any assistance as a result of the gamesmanship happening here today.

Mr. HINCHEY. Mr. Speaker, there is nobody on this side of the aisle who believes that the extension of a mere 13 weeks of unemployment insurance benefit is a comprehensive response to the present recession, but we do understand that it is an important part of any response, and we do understand, as my colleagues do, it is the only thing that we can do practically at this moment. We have a bill here in this House which extends 13 weeks of unemployment insurance benefits. We could pass that bill now.

But, Mr. Speaker, the majority side of the aisle will not put that bill on the floor. Instead, Members want to debate tax policy. We are happy to debate tax policy with the other side of the aisle. The other side of the aisle wants to pass a bill that will make it so that profitable corporations in America have no tax liability. They will pay no taxes to the Federal Treasury. Instead, that tax liability under the Republican proposal would inevitably be passed on to middle-income working people.

If my colleagues want to debate those kinds of issues, bring that bill to the floor. We are happy to debate it, but for God's sake, let us do the one thing we can do today to help the people that need help.

Every day 11,000 Americans exhaust their unemployment insurance benefits. We are leaving town today. The Speaker set the schedule. We are going on recess for 12 days. During that period of time, another 130,000 Americans will lose their unemployment insurance benefits. What are those Members

saying to them? Nothing. The other side of the aisle is turning their back on them. Let us do the one thing that we can do now that has practical benefit: Pass the unemployment insurance extender.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I am very impressed with the sudden interest in the economy for the liberal Democratic Party. This is really great. I just wonder, did they not know somehow there was a recession going on in October? Did they not know in December? I mean, what were they thinking when we had these opportunities to get America back to work? I know that the other side of the aisle has a lot of constituents who they think would rather have a government support check rather than a job opportunity.

The America I know would rather be working. The America that I know wants to help those who are unemployed when they need assistance. But the America I know would prefer to be working.

Mr. Speaker, back in October we had a great bill that was passed by this House, but like the energy bill, like the faith-based initiative, like bioterrorism insurance, like so many other things that were passed to the Members across the aisle in the other body, and it was killed in the name of partisanship because there seem to be some folks in Washington who would rather have a bad economy if that helps their particular party in the polls.

I am sad that workers and American people's lives are being played with in such a callous, political manner. This is the difference between two parties, two visions. One wants to get the economy going so there are jobs, like my friend Mark, who worked for International Paper for 18 years. His father had worked for them for 28 years. He got laid off in the downsizing back in July. Fortunately for him, his wife has a job at a bakery. He is working with her right now. They are getting by, but he wants to get back to work. His corporation says this bill would help them.

Or like my friend Bill, who is a small electrical contractor employing six to eight people in Savannah, Georgia. He wants to keep those six to eight people on his payroll working, but they have got to have work out there, jobs to go to. This would give them that opportunity.

This is about real people and real jobs, people who do not have business cards, people who do not give to PACs or necessarily belong and hang out with big unions, and people who do not come to Washington, D.C., and do not consider themselves Republicans or Democrats. They just want to work.

Mr. Speaker, our bill which we passed in October would have given them jobs, would have done it in December. Now we have got our third opportunity. Do not strike out. Do not swing unsuccessfully three times. Let us get this thing done.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to vote ''no'' on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow us to vote on a clean 13-week extension of unemployment benefits.

Mr. Speaker, we will be leaving for the district work period today and will be away for the next week. We need to fix the unemployment situation for the millions of Americans whose benefits have expired or will expire in the next few months.

This is not the time to bring to the floor a whole new stimulus package that the other body will not consider this week. Let us act now and help those who are unemployed in our Nation. Vote ''no'' on the previous question, and help our unemployed workers now.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I tend to be an optimistic person, and I believe that three times is a charm. We have been in a recession, we found out after the fact, since last March. It seems to me if we are going to get out of a recession in a comprehensive way, we need a comprehensive plan. We cannot be putting Band-Aids on every aspect of our economy.

What has not been said at all in this debate today, notwithstanding the fact that the other side has said that the stimulus package is dead, there were two members of the majority party in the other body that were chairmen, and they said maybe we ought to relook at a stimulus package. I am optimistic that the third time is a charm in this case, and I urge the Members to vote for the previous question and the rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and move the previous question on the resolution.

The material previously referred to by Mr. FROST is as follows:

Strike all after the resolved clause and insert:

That upon the adoption of this resolution the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendments thereto be, and the same are hereby, agreed to.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 216, nays 207, not voting 11, as follows:

[Roll No. 36]

YEAS—216

Aderholt	Goodlatte	Oxley
Akin	Goss	Paul
Armey	Graham	Pence
Bachus	Granger	Peterson (PA)
Baker	Graves	Petri
Ballenger	Green (WI)	Pickering
Barr	Greenwood	Pitts
Bartlett	Grucci	Platts
Barton	Gutknecht	Pombo
Bass	Hansen	Portman
Bereuter	Hart	Pryce (OH)
Biggert	Hastings (WA)	Putnam
Bilirakis	Hayes	Quinn
Blunt	Hayworth	Radanovich
Boehlert	Hefley	Ramstad
Boehner	Herger	Regula
Bonilla	Hilleary	Rehberg
Bono	Hobson	Reynolds
Boozman	Hoekstra	Rogers (KY)
Brown (SC)	Horn	Rogers (MI)
Bryant	Hostettler	Rohrabacher
Burr	Houghton	Ros-Lehtinen
Burton	Hulshof	Royce
Buyer	Hunter	Ryan (WI)
Callahan	Hyde	Ryun (KS)
Calvert	Isakson	Saxton
Camp	Issa	Schaffer
Cannon	Istook	Schrock
Cantor	Jenkins	Sensenbrenner
Capito	Johnson (CT)	Sessions
Castle	Johnson (IL)	Shadegg
Chabot	Johnson, Sam	Shaw
Chambliss	Jones (NC)	Shays
Coble	Keller	Sherwood
Collins	Kelly	Shimkus
Combest	Kennedy (MN)	Shuster
Cooksey	Kerns	Simmons
Cox	King (NY)	Simpson
Crane	Kingston	Skeen
Crenshaw	Kirk	Smith (MI)
Culberson	Knollenberg	Smith (NJ)
Cunningham	Kolbe	Smith (TX)
Davis, Jo Ann	LaHood	Souder
Davis, Tom	Largent	Stearns
Deal	Latham	Sununu
DeLay	LaTourette	Sweeney
DeMint	Leach	Tancredo
Diaz-Balart	Lewis (CA)	Tauzin
Doolittle	Lewis (KY)	Taylor (NC)
Dreier	Linder	Terry
Duncan	LoBiondo	Thomas
Dunn	Lucas (OK)	Thornberry
Ehlers	Manzullo	Thune
Ehrlich	McCrery	Tiahrt
Emerson	McHugh	Tiberi
English	McInnis	Toomey
Everett	McKeon	Upton
Ferguson	Mica	Vitter
Flake	Miller, Dan	Walden
Fletcher	Miller, Gary	Walsh
Foley	Miller, Jeff	Wamp
Forbes	Moran (KS)	Watkins (OK)
Fossella	Morella	Watts (OK)
Frelinghuysen	Myrick	Weldon (FL)
Gallegly	Nethercutt	Weller
Ganske	Ney	Whitfield
Gekas	Northup	Wicker
Gibbons	Norwood	Wilson (NM)
Gilchrest	Nussle	Wilson (SC)
Gillmor	Osborne	Wolf
Gilman	Ose	Young (AK)
Goode	Otter	Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Berman
Brady (TX)
Cubin
Maloney (NY)
Moran (VA)
Payne
Riley
Roukema
Stump
Traficant
Weldon (PA)

□ 1218

Ms. MCCOLLUM changed her vote from ''yea'' to ''nay.''

Mr. LATHAM changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 206, not voting 15, as follows:

[Roll No. 37]

AYES—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Berman
Brady (TX)
Buyer
Conyers
Lewis (CA)
McCollum
Payne
Riley
Roukema
Stump
Taylor (NC)
Traficant
Watson (CA)
Weldon (PA)
Whitfield

□ 1229

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1230

HOPE FOR CHILDREN ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 347, I call up the bill (H.R. 622), to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, with Senate amendments thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. QUINN). The Clerk will designate the motion.

The text of the motion is as follows:

Mr. THOMAS moves that the House concur in the Senate amendments with respective amendments as follows:

Senate Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the ''Secretary''). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State

law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

Amend the title so as to read: ''An Act to provide for temporary unemployment compensation.''.

House Amendments to Senate Amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Economic Security and Worker Assistance Act of 2002''.

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

TITLE I—INDIVIDUAL PROVISIONS

SEC. 101. SUPPLEMENTAL STIMULUS PAYMENTS.

(a) IN GENERAL.—Section 6428 (relating to acceleration of 10 percent income tax rate bracket benefit for 2001) is amended by adding at the end the following new subsection:

''(f) SUPPLEMENTAL STIMULUS PAYMENTS.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2000 and who, before October 16, 2001, filed a return of tax imposed by subtitle A for such taxable year shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the supplemental refund amount for such taxable year.

''(2) SUPPLEMENTAL REFUND AMOUNT.—For purposes of this subsection, the supplemental refund amount is an amount equal to the excess (if any) of—

''(A)(i) $600 in the case of taxpayers to whom section 1(a) applies,

''(ii) $500 in the case of taxpayers to whom section 1(b) applies, and

''(iii) $300 in the case of taxpayers to whom subsections (c) or (d) of section 1 applies, over

''(B) the taxpayer's advance refund amount under subsection (e).

''(3) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this subsection, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection.''

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6428(d)(1) is amended by striking ''subsection (e)'' and inserting ''subsections (e) and (f)''.

(2) Subparagraph (B) of section 6428(d)(1) is amended by striking ''subsection (e)'' and inserting ''subsection (e) or (f)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 102. ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking ''27.0%'' and inserting ''25.0%'', and

(2) by striking ''26.0%'' and inserting ''25.0%''.

(b) REDUCTION NOT TO INCREASE MINIMUM TAX.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking ''($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($49,000 in the case of taxable years beginning in 2001, $52,200 in the case of taxable years beginning in 2002 or 2003, and $50,700 in the case of taxable years beginning in 2004)''.

(2) Subparagraph (B) of section 55(d)(1) is amended by striking ''($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)'' and inserting ''($35,750 in the case of taxable years beginning in 2001, $37,350 in the case of taxable years beginning in 2002 or 2003, and $36,600 in the case of taxable years beginning in 2004)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) SECTION 15 NOT TO APPLY.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLE II—BUSINESS PROVISIONS

SEC. 201. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

''(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

''(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified property' means property—

''(i)(I) to which this section applies which has a recovery period of 20 years or less or which is water utility property, or

''(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

''(ii) the original use of which commences with the taxpayer after September 10, 2001,

''(iii) which is—

''(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2004, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2004, and

''(iv) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in subparagraph (B), before January 1, 2006.

''(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

''(i) IN GENERAL.—The term 'qualified property' includes property—

''(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

''(II) which has a recovery period of at least 10 years or is transportation property, and

''(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof.

''(ii) ONLY PRE-SEPTEMBER 11, 2004, BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before September 11, 2004.

''(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term 'transportation property' means tangible personal property used in the trade or business of transporting persons or property.

''(C) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

''(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

''(II) after application of section 280F(b) (relating to listed property with limited business use).

''(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(iii) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—The term 'qualified property' shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

''(D) SPECIAL RULES.—

''(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2004.

''(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

''(I) is originally placed in service after September 10, 2001, by a person, and

''(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(E) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

''(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

''(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).''

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

''(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—The deduction under section 168(k) shall be allowed.''

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by striking ''clause (ii)'' both places it appears and inserting ''clauses (ii) and (iii)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SEC. 202. TEMPORARY INCREASE IN EXPENSING UNDER SECTION 179.

(a) IN GENERAL.—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"If the taxable year begins in:	The applicable amount is:
2001	$24,000
2002 or 2003	$40,000
2004 or thereafter	$25,000.''

(b) TEMPORARY INCREASE IN AMOUNT OF PROPERTY TRIGGERING PHASEOUT OF MAXIMUM BENEFIT.—Paragraph (2) of section 179(b) is amended by inserting before the period ''($325,000 in the case of taxable years beginning during 2002 or 2003)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 203. ALTERNATIVE MINIMUM TAX REFORM.

(a) REPEAL OF PREFERENCE FOR DEPRECIATION.—

(1) Paragraph (1) of section 56(a) is amended by adding at the end the following new subparagraph:

''(E) TERMINATION.—This paragraph shall not apply to property placed in service in taxable years beginning after December 31, 2001.''

(2) Paragraph (5) of section 56(a) is amended by adding at the end: ''This paragraph shall not apply to property placed in service in taxable years beginning after December 31, 2001.''

(b) REPEAL OF 90 PERCENT LIMITATION ON FOREIGN TAX CREDITS.—

(1) Subsection (a) of section 59 is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subclause (II) of section 53(d)(1)(B)(i) is amended by striking ''and if section 59(a)(2) did not apply''.

(c) REPEAL OF 90 PERCENT LIMITATION ON NET OPERATING LOSS DEDUCTION.—Subparagraph (A) of section 56(d)(1), as amended by section 204, is amended to read as follows:

''(A) the amount of such deduction shall not exceed alternative minimum taxable income determined without regard to such deduction, and''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 204. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS.

(a) IN GENERAL.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

''(H) In the case of a taxpayer which has a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.''

(b) ELECTION TO DISREGARD 5-YEAR CARRYBACK.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subjection (i) the following new subsection:

''(j) ELECTION TO DISREGARD 5-YEAR CARRYBACK FOR CERTAIN NET OPERATING LOSSES.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.''

(c) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS.—

(1) IN GENERAL.—Subparagraph (A) of section 56(d)(1) (relating to general rule defining alternative tax net operating loss deduction) is amended to read as follows:

''(A) the amount of such deduction shall not exceed the sum of—

''(i) the lesser of—

''(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carrybacks described in clause (ii)(I)), or

''(II) 90 percent of alternative minimum taxable income determined without regard to such deduction, plus

''(ii) the lesser of—

''(I) the amount of such deduction attributable to carrybacks of net operating losses for taxable years ending during 2001 or 2002, or

''(II) alternative minimum taxable income determined without regard to such deduction

reduced by the amount determined under clause (i), and''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning before January 1, 2002.

(d) EFFECTIVE DATE.—Except as provided in subsection (c), the amendments made by this section shall apply to net operating losses for taxable years ending after December 31, 2000.

SEC. 205. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

(a) 15-YEAR RECOVERY PERIOD.—Subparagraph (E) of section 168(e)(3) (relating to 15-year property) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) any qualified leasehold improvement property.''

(b) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—Subsection (e) of section 168 is amended by adding at the end the following new paragraph:

''(6) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—

''(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

''(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

''(I) by the lessee (or any sublessee) of such portion, or

''(II) by the lessor of such portion,

''(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

''(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

''(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

''(i) the enlargement of the building,

''(ii) any elevator or escalator,

''(iii) any structural component benefiting a common area, and

''(iv) the internal structural framework of the building.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) COMMITMENT TO LEASE TREATED AS LEASE.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

''(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

''(I) members of an affiliated group (as defined in section 1504), and

''(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

''(D) IMPROVEMENTS MADE BY LESSOR.—

''(i) IN GENERAL.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.

''(ii) EXCEPTION FOR CHANGES IN FORM OF BUSINESS.—Property shall not cease to be qualified leasehold improvement property under clause (i) by reason of—

''(I) death,

''(II) a transaction to which section 381(a) applies, or

''(III) a mere change in the form of conducting the trade or business so long as the property is retained in such trade or business as qualified leasehold improvement property and the taxpayer retains a substantial interest in such trade or business.

''(iii) TREATMENT OF FAILURES TO MAINTAIN SUBSTANTIAL INTEREST IN TRADE OR BUSINESS.—In the case of property to which clause (ii)(III) would apply but for the failure of the taxpayer to retain a substantial interest in a trade or business, the remaining adjusted basis of such property shall be depreciated under this section over 39 years.''

(c) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Paragraph (3) of section 168(b) is amended by adding at the end the following new subparagraph:

''(G) Qualified leasehold improvement property described in subsection (e)(6).''

(d) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by adding at the end the following new item:

''(E)(iv) ..... 15''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified leasehold improvement property placed in service after September 10, 2001.

TITLE III—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Extensions

SEC. 301. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''RULE FOR 2000 AND 2001.—'' and inserting ''RULE FOR 2000, 2001, 2002, AND 2003.—'', and

(2) by striking ''during 2000 or 2001,'' and inserting ''during 2000, 2001, 2002, or 2003,''.

(b) CONFORMING AMENDMENTS.—

(1) Section 904(h) is amended by striking ''during 2000 or 2001'' and inserting ''during 2000, 2001, 2002, or 2003''.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2002 and 2003.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 302. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking ''December 31, 2001,'' and inserting ''December 31, 2003,'', and

(B) in subparagraphs (A), (B), and (C), by striking ''2002'', ''2003'', and ''2004'', respectively, and inserting ''2004'', ''2005'', and ''2006'', respectively, and

(2) in subsection (e), by striking ''December 31, 2004'' and inserting ''December 31, 2006''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 280F(a)(1) is amended by adding at the end the following new clause:

''(iii) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall apply to property placed in service after August 5, 1997, and before January 1, 2007.''

(2) Subsection (b) of section 971 of the Taxpayer Relief Act of 1997 is amended by striking ''and before January 1, 2005''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2001.

SEC. 303. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subparagraphs (A), (B), and (C) of section 45(c)(3) are both amended by striking ''2002'' and inserting ''2004''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to facilities placed in service after December 31, 2001.

SEC. 304. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''2001'' and inserting ''2003''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 305. WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Subsection (f) of section 51A is amended by striking ''2001'' and inserting ''2003''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 306. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) IN GENERAL.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking ''December 31, 2001,'' and inserting ''December 31, 2003,'', and

(B) in clauses (i), (ii), and (iii), by striking ''2002'', ''2003'', and ''2004'', respectively, and inserting ''2004'', ''2005'', and ''2006'', respectively, and

(2) in subsection (f), by striking ''December 31, 2004'' and inserting ''December 31, 2006''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2001.

SEC. 307. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking ''2002'' and inserting ''2004''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 308. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking ''2000, and 2001'' and inserting ''2000, 2001, 2002, and 2003''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 309. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2002'' and inserting ''January 1, 2004''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2001.

SEC. 310. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812, as amended by the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002, is amended to read as follows:

''(f) APPLICATION OF SECTION.—This section shall not apply to benefits for services furnished—

''(1) on or after September 30, 2001, and before January 10, 2002, and

''(2) after December 31, 2003.''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2000.

SEC. 311. TEMPORARY SPECIAL RULES FOR TAXATION OF LIFE INSURANCE COMPANIES.

(a) REDUCTION IN MUTUAL LIFE INSURANCE COMPANY DEDUCTIONS NOT TO APPLY IN CERTAIN YEARS.—Section 809 (relating to reduction in certain deductions of material life insurance companies) is amended by adding at the end the following:

''(j) DIFFERENTIAL EARNINGS RATE TREATED AS ZERO FOR CERTAIN YEARS.—Notwithstanding subsection (c) or (f), the differential earnings rate shall be treated as zero for purposes of computing both the differential earnings amount and the recomputed differential earnings amount for a mutual life insurance company's taxable years beginning in 2001, 2002, or 2003.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 312. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking ''2002'' each place it appears and inserting ''2003''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended by striking ''1998, 1999, or 2001'' each place it appears and inserting ''1998, 1999, 2001, or 2002''.

(2) Subparagraph (A) of section 220(j)(4) is amended by striking ''and 2001'' and inserting ''2001, and 2002''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 313. INCENTIVES FOR INDIAN EMPLOYMENT AND PROPERTY ON INDIAN RESERVATIONS.

(a) EMPLOYMENT.—Subsection (f) of section 45A is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

(b) PROPERTY.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2003'' and inserting ''December 31, 2004''.

SEC. 314. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) IN GENERAL.—

(1) Section 953(e)(10) is amended—

(A) by striking ''January 1, 2002'' and inserting ''January 1, 2007'', and

(B) by striking ''December 31, 2001'' and inserting ''December 31, 2006''.

(2) Section 954(h)(9) is amended by striking ''January 1, 2002'' and inserting ''January 1, 2007''.

(b) LIFE INSURANCE AND ANNUITY CONTRACTS.—

(1) IN GENERAL.—Subparagraph (B) of section 954(i)(4) is amended to read as follows:

''(B) LIFE INSURANCE AND ANNUITY CONTRACTS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the amount of the reserve of a qualifying insurance company or qualifying insurance company branch for any life insurance or annuity contract shall be equal to the greater of—

''(I) the net surrender value of such contract (as defined in section 807(e)(1)(A)), or

''(II) the reserve determined under paragraph (5).

''(ii) RULING REQUEST, ETC.—The amount of the reserve under clause (i) shall be the foreign statement reserve for the contract (less any catastrophe, deficiency, equalization, or similar reserves), if, pursuant to a ruling request submitted by the taxpayer or as provided in published guidance, the Secretary determines that the factors taken into account in determining the foreign statement reserve provide an appropriate means of measuring income.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 315. REPEAL OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

(a) IN GENERAL.—Subsection (e) of section 4101 is hereby repealed.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2002.

Subtitle B—Temporary Assistance for Needy Families

SEC. 321. REAUTHORIZATION OF TANF SUPPLEMENTAL GRANTS FOR POPULATION INCREASES FOR FISCAL YEAR 2002.

Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended by adding at the end the following:

''(H) REAUTHORIZATION OF GRANTS FOR FISCAL YEAR 2002.—Notwithstanding any other provision of this paragraph—

''(i) any State that was a qualifying State under this paragraph for fiscal year 2001 or any prior fiscal year shall be entitled to receive from the Secretary for fiscal year 2002 a grant in an amount equal to the amount required to be paid to the State under this paragraph for the most recent fiscal year in which the State was a qualifying State;

''(ii) subparagraph (G) shall be applied as if '2002' were substituted for '2001'; and

''(iii) out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2002 such sums as are necessary for grants under this subparagraph.''.

SEC. 322. 1-YEAR EXTENSION OF CONTINGENCY FUND UNDER THE TANF PROGRAM.

Section 403(b) of the Social Security Act (42 U.S.C. 603(b)) is amended—

(1) in paragraph (2), by striking ''and 2001'' and inserting ''2001, and 2002''; and

(2) in paragraph (3)(C)(ii), by striking ''2001'' and inserting ''2002''.

TITLE IV—TAX INCENTIVES FOR NEW YORK CITY AND DISTRESSED AREAS

SEC. 401. TAX BENEFITS FOR AREA OF NEW YORK CITY DAMAGED IN TERRORIST ATTACKS ON SEPTEMBER 11, 2001.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

''Subchapter Y—New York Liberty Zone Benefits

''SEC. 1400L. TAX BENEFITS FOR NEW YORK LIBERTY ZONE.

''(a) EXPANSION OF WORK OPPORTUNITY TAX CREDIT.—

''(1) IN GENERAL.—For purposes of section 51, a New York Liberty Zone business employee shall be treated as a member of a targeted group.

''(2) NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'New York Liberty Zone business employee' means, with respect to any period, any employee of a New York Liberty Zone business if substantially all the services performed during such period by such employee for such business are performed in the New York Liberty Zone.

''(B) INCLUSION OF CERTAIN EMPLOYEES OUTSIDE THE NEW YORK LIBERTY ZONE.—

''(i) IN GENERAL.—In the case of a New York Liberty Zone business described in subclause (II) of subparagraph (C)(i), the term 'New York Liberty Zone business employee' includes any employee of such business (not described in subparagraph (A)) if substantially all the services performed during such period by such employee for such business are performed in the City of New York, New York.

''(ii) LIMITATION.—The number of employees of such a business that are treated as New York Liberty zone business employees on any day by reason of clause (i) shall not exceed the excess of—

''(I) the number of employees of such business on September 11, 2001, in the New York Liberty Zone, over

''(II) the number of New York Liberty Zone business employees (determined without regard to this subparagraph) of such business on the day to which the limitation is being applied.

The Secretary may require any trade or business to have the number determined under subclause (I) verified by the New York State Department of Labor.

''(C) NEW YORK LIBERTY ZONE BUSINESS.—

''(i) IN GENERAL.—The term 'New York Liberty Zone business' means any trade or business which is—

''(I) located in the New York Liberty Zone, or

''(II) located in the City of New York, New York, outside the New York Liberty Zone, as a result of the physical destruction or damage of such place of business by the September 11, 2001, terrorist attack.

''(ii) CREDIT NOT ALLOWED FOR LARGE BUSINESSES.—The term 'New York Liberty Zone business' shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

''(D) SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying subpart F of part IV of subchapter B of this chapter to wages paid or incurred to any New York Liberty Zone business employee—

''(i) section 51(a) shall be applied by substituting 'qualified wages' for 'qualified first-year wages',

''(ii) the rules of section 52 shall apply for purposes of determining the number of employees under subparagraph (B),

''(iii) subsections (c)(4) and (i)(2) of section 51 shall not apply, and

''(iv) in determining qualified wages, the following shall apply in lieu of section 51(b):

''(I) QUALIFIED WAGES.—The term 'qualified wages' means wages paid or incurred by the employer to individuals who are New York Liberty Zone business employees of such employer for work performed during calendar year 2002 or 2003.

''(II) ONLY FIRST $6,000 OF WAGES PER CALENDAR YEAR TAKEN INTO ACCOUNT.—The amount of the qualified wages which may be taken into account with respect to any individual shall not exceed $6,000 per calendar year.

''(b) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified New York Liberty Zone property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of such property, and

''(B) the adjusted basis of the qualified New York Liberty Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED NEW YORK LIBERTY ZONE PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified New York Liberty Zone property' means property—

''(i)(I) to which section 168 applies which has a recovery period of 20 years or less or which is water utility property,

''(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection, or

''(III) which is nonresidential real property, or residential rental property, which is described in subparagraph (B),

''(ii) substantially all of the use of which is in the New York Liberty Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

''(iii) the original use of which in the New York Liberty Zone commences with the taxpayer after September 10, 2001,

''(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after September 10, 2001, but only if no written binding contract for the acquisition was in effect before September 11, 2001, and

''(v) which is placed in service by the taxpayer on or before the termination date.

The term 'termination date' means December 31, 2006 (December 31, 2009, in the case of nonresidential real property and residential rental property).

''(B) ELIGIBLE REAL PROPERTY.—Nonresidential real property or residential rental property is described in this subparagraph only to the extent it rehabilitates real property damaged, or replaces real property destroyed or condemned, as a result of the September 11, 2001, terrorist attack. For purposes of the preceding sentence, property shall be treated as replacing real property destroyed or condemned if, as part of an integrated plan, such property replaces real property which is included in a continuous area which includes real property destroyed or condemned.

''(C) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified New York Liberty Zone property' shall not include any property to which the alternative depreciation system under section 168(g) applies, determined—

''(I) without regard to paragraph (7) of section 168(g) (relating to election to have system apply), and

''(II) after application of section 280F(b) (relating to listed property with limited business use).

''(ii) 30 PERCENT ADDITIONAL ALLOWANCE PROPERTY.—Such term shall not include property to which section 168(k) applies.

''(iii) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—Such term shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

''(iv) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(D) SPECIAL RULES.—

''(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001.

''(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(iii), if property—

''(I) is originally placed in service after September 10, 2001, by a person, and

''(II) is sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

''(E) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The deduction allowed by this subsection shall be allowed in determining alternative minimum taxable income under section 55.

''(c) 5-YEAR RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.—

''(1) IN GENERAL.—For purposes of section 168, the term '5-year property' includes any qualified New York Liberty Zone leasehold improvement property.

''(2) QUALIFIED NEW YORK LIBERTY ZONE LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this section, the term 'qualified New York Liberty Zone leasehold improvement property' means qualified leasehold improvement property (as defined in section 168(e)(6)) if—

''(A) such building is located in the New York Liberty Zone,

''(B) such improvement is placed in service after September 10, 2001, and before January 1, 2007, and

''(C) no written binding contract for such improvement was in effect before September 11, 2001.

''(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—The applicable depreciation method under section 168 shall be the straight line method in the case of qualified New York Liberty Zone leasehold improvement property.

''(4) 9-YEAR RECOVERY PERIOD UNDER ALTERNATIVE SYSTEM.—For purposes of section 168(g), the class life of qualified New York Liberty Zone leasehold improvement property shall be 9 years.

''(d) TAX-EXEMPT BOND FINANCING.—

''(1) IN GENERAL.—For purposes of this title, any qualified New York Liberty Bond shall be treated as an exempt facility bond.

''(2) QUALIFIED NEW YORK LIBERTY BOND.—For purposes of this subsection, the term 'qualified New York Liberty Bond' means any bond issued as part of an issue if—

''(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs,

''(B) such bond is issued by the State of New York or any political subdivision thereof,

''(C) the Governor or the Mayor designates such bond for purposes of this section, and

''(D) such bond is issued after the the date of the enactment of this section and before January 1, 2005.

''(3) LIMITATIONS ON AMOUNT OF BONDS.—

''(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection shall not exceed $8,000,000,000, of which not to exceed $4,000,000,000 may be designated by the Governor and not to exceed $4,000,000,000 may be designated by the Mayor.

''(B) SPECIFIC LIMITATIONS.—The aggregate face amount of bonds issued which are to be used for—

''(i) costs for property located outside the New York Liberty Zone shall not exceed $2,000,000,000,

''(ii) residential rental property shall not exceed $1,600,000,000, and

''(iii) costs with respect to property used for retail sales of tangible property and functionally related and subordinate property shall not exceed $800,000,000.

The limitations under clauses (i), (ii), and (iii) shall be allocated proportionately between the bonds designated by the Governor and the bonds designated by the Mayor in proportion to the respective amounts of bonds designated by each.

''(C) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

''(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified project costs' means the cost of acquisition, construction, reconstruction, and renovation of—

''(i) nonresidential real property and residential rental property (including fixed tenant improvements associated with such property) located in the New York Liberty Zone, and

''(ii) public utility property (as defined in section 168(i)(10)) located in the New York Liberty Zone.

''(B) COSTS FOR CERTAIN PROPERTY OUTSIDE ZONE INCLUDED.—Such term includes the cost of acquisition, construction, reconstruction, and renovation of nonresidential real property (including fixed tenant improvements associated with such property) located outside the New York Liberty Zone but within the City of New York, New York, if such property is part of a project which consists of at least 100,000 square feet of usable office or other commercial space located in a single building or multiple adjacent buildings.

''(5) SPECIAL RULES.—In applying this title to any qualified New York Liberty Bond, the following modifications shall apply:

''(A) Section 146 (relating to volume cap) shall not apply.

''(B) Section 147(d) (relating to acquisition of existing property not permitted) shall be applied by substituting '50 percent' for '15 percent' each place it appears.

''(C) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds issued under this section.

''(D) Repayments of principal on financing provided by the issue—

''(i) may not be used to provide financing, and

''(ii) must be used not later than the close of the 1st semiannual period beginning after the date of the repayment to redeem bonds which are part of such issue.

The requirement of clause (ii) shall be treated as met with respect to amounts received within 10 years after the date of issuance of the issue (or, in the case of a refunding bond, the date of issuance of the original bond) if such amounts are used by the close of such 10 years to redeem bonds which are part of such issue.

''(E) Section 57(a)(5) shall not apply.

''(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

''(e) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

''(1) IN GENERAL.—With respect to a bond described in paragraph (2) issued as part of an issue 90 percent (95 percent in the case of a bond described in paragraph (2)(C)) or more of the net proceeds (as defined in section 150(a)(3)) of which were used to finance facilities located within the City of New York, New York (or property which is functionally related and subordinate to facilities located within the City of New York for the furnishing of water), one additional advanced refunding after the date of the enactment of this section and before January 1, 2005, shall be allowed under the applicable rules of section 149(d) if—

''(A) the Governor or the Mayor designates the advance refunding bond for purposes of this subsection, and

''(B) the requirements of paragraph (4) are met.

''(2) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on September 11, 2001, and is—

''(A) a State or local bond (as defined in section 103(c)(1)) which is a general obligation of the City of New York, New York,

''(B) a State or local bond (as so defined) other than a private activity bond (as defined in section 141(a)) issued by the New York Municipal Water Finance Authority or the Metropolitan Transportation Authority of the State of New York, or

''(C) a qualified 501(c)(3) bond (as defined in section 145(a)) which is a qualified hospital bond (as defined in section 145(c)) issued by or on behalf of the State of New York or the City of New York, New York.

''(3) AGGREGATE LIMIT.—For purposes of paragraph (1), the maximum aggregate face amount of bonds which may be designated under this subsection by the Governor shall not exceed $4,500,000,000 and the maximum aggregate face amount of bonds which may be designated under this subsection by the Mayor shall not exceed $4,500,000,000.

''(4) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (2) if—

''(A) no advance refundings of such bond would be allowed under any provision of law after September 11, 2001,

''(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

''(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

''(f) INCREASE IN EXPENSING UNDER SECTION 179.—

''(1) IN GENERAL.—For purposes of section 179—

''(A) the limitation under section 179(b)(1) shall be increased by the lesser of—

''(i) $35,000, or

''(ii) the cost of section 179 property which is qualified New York Liberty Zone property placed in service during the taxable year, and

''(B) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified New York Liberty Zone property shall be 50 percent of the cost thereof.

''(2) QUALIFIED NEW YORK LIBERTY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified New York Liberty Zone property' has the meaning given such term by subsection (b)(2).

''(3) RECAPTURE.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified New York Liberty Zone property which ceases to be used in the New York Liberty Zone.

''(g) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Notwithstanding subsections (g) and (h) of section 1033, clause (i) of section 1033(a)(2)(B) shall be applied by substituting '5 years' for '2 years' with respect to property which is compulsorily or involuntarily converted as a result of the terrorist attacks on September 11, 2001, in the New York Liberty Zone but only if substantially all of the use of the replacement property is in the City of New York, New York.

''(h) NEW YORK LIBERTY ZONE.—For purposes of this section, the term 'New York Liberty Zone' means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

''(i) REFERENCES TO GOVERNOR AND MAYOR.—For purposes of this section, the terms 'Governor' and 'Mayor' mean the Governor of the State of New York and the Mayor of the City of New York, New York, respectively.''

(b) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) SPECIAL RULES FOR NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE CREDIT.—

''(A) IN GENERAL.—In the case of the New York Liberty Zone business employee credit—

''(i) this section and section 39 shall be applied separately with respect to such credit, and

''(ii) in applying paragraph (1) to such credit—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the New York Liberty Zone business employee credit).

''(B) NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE CREDIT.—For purposes of this subsection, the term 'New York Liberty Zone business employee credit' means the portion of work opportunity credit under section 51 determined under section 1400L(a).''

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting ''or the New York Liberty Zone business employee credit'' after ''employment credit''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after December 31, 2001.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

''Subchapter Y—New York Liberty Zone Benefits.''

TITLE V—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—General Miscellaneous Provisions

SEC. 501. ALLOWANCE OF ELECTRONIC 1099'S.

Any person required to furnish a statement under any section of subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 for any taxable year ending after the date of the enactment of this Act, may electronically furnish such statement (without regard to any first class mailing requirement) to any recipient who has consented to the electronic provision of the statement in a manner similar to the one permitted under regulations issued under section 6051 of such Code or in such other manner as provided by the Secretary.

SEC. 502. EXCLUDED CANCELLATION OF INDEBTEDNESS INCOME OF S CORPORATION NOT TO RESULT IN ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS.

(a) IN GENERAL.—Subparagraph (A) of section 108(d)(7) (relating to certain provisions to be applied at corporate level) is amended by inserting before the period '', including by not taking into account under section 1366(a) any amount excluded under subsection (a) of this section''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to discharges of indebtedness after October 11, 2001, in taxable years ending after such date.

(2) EXCEPTION.—The amendment made by this section shall not apply to any discharge of indebtedness before March 1, 2002, pursuant to a plan of reorganization filed with a bankruptcy court on or before October 11, 2001.

SEC. 503. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Paragraph (5) of section 448(d) is amended to read as follows:

''(5) SPECIAL RULE FOR CERTAIN SERVICES.—

''(A) IN GENERAL.—In the case of any person using an accrual method of accounting with respect to amounts to be received for the performance of services by such person, such person shall not be required to accrue any portion of such amounts which (on the basis of such person's experience) will not be collected if—

''(i) such services are in fields referred to in paragraph (2)(A), or

''(ii) such person meets the gross receipts test of subsection (c) for all prior taxable years.

''(B) EXCEPTION.—This paragraph shall not apply to any amount if interest is required to be paid on such amount or there is any penalty for failure to timely pay such amount.

''(C) REGULATIONS.—The Secretary shall prescribe regulations to permit taxpayers to determine amounts referred to in subparagraph (A) using computations or formulas which, based on experience, accurately reflect the amount of income that will not be collected by such person. A taxpayer may adopt, or request consent of the Secretary to change to, a computation or formula that clearly reflects the taxpayer's experience. A request under the preceding sentence shall be approved if such computation or formula clearly reflects the taxpayer's experience.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period of 4 years (or if less, the number of taxable years that the taxpayer used the method permitted under section 448(d)(5) of such Code as in effect before the date of the enactment of this Act) beginning with such first taxable year.

SEC. 504. EXCLUSION FOR FOSTER CARE PAYMENTS TO APPLY TO PAYMENTS BY QUALIFIED PLACEMENT AGENCIES.

(a) IN GENERAL.—The matter preceding subparagraph (B) of section 131(b)(1) (defining qualified foster care payment) is amended to read as follows:

''(1) IN GENERAL.—The term 'qualified foster care payment' means any payment made pursuant to a foster care program of a State or political subdivision thereof—

''(A) which is paid by—

''(i) a State or political subdivision thereof, or

''(ii) a qualified foster care placement agency, and''.

(b) QUALIFIED FOSTER INDIVIDUALS TO INCLUDE INDIVIDUALS PLACED BY QUALIFIED PLACEMENT AGENCIES.—Subparagraph (B) of section 131(b)(2) (defining qualified foster individual) is amended to read as follows:

''(B) a qualified foster care placement agency.''

(c) QUALIFIED FOSTER CARE PLACEMENT AGENCY DEFINED.—Subsection (b) of section 131 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) QUALIFIED FOSTER CARE PLACEMENT AGENCY.—The term 'qualified foster care

placement agency' means any placement agency which is licensed or certified by—

''(A) a State or political subdivision thereof, or

''(B) an entity designated by a State or political subdivision thereof,

for the foster care program of such State or political subdivision to make foster care payments to providers of foster care.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 505. INTEREST RATE RANGE FOR ADDITIONAL FUNDING REQUIREMENTS.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) SPECIAL RULE.—Clause (i) of section 412(l)(7)(C) (relating to interest rate) is amended by adding at the end the following new subclause:

''(III) SPECIAL RULE FOR 2002 AND 2003.—For a plan year beginning in 2002 or 2003, notwithstanding subclause (I), in the case that the rate of interest used under subsection (b)(5) exceeds the highest rate permitted under subclause (I), the rate of interest used to determine current liability under this subsection may exceed the rate of interest otherwise permitted under subclause (I); except that such rate of interest shall not exceed 120 percent of the weighted average referred to in subsection (b)(5)(B)(ii).''

(2) QUARTERLY CONTRIBUTIONS.—Subsection (m) of section 412 is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULES FOR 2002 AND 2004.—In any case in which the interest rate used to determine current liability is determined under subsection (l)(7)(C)(i)(III)—

''(A) 2002.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).

''(B) 2004.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2004, the current liability for the preceding plan year shall be redetermined using 105 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).''

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) SPECIAL RULE.—Clause (i) of section 302(d)(7)(C) of such Act (29 U.S.C. 1082(d)(7)(C)) is amended by adding at the end the following new subclause:

''(III) SPECIAL RULE FOR 2002 AND 2003.—For a plan year beginning in 2002 or 2003, notwithstanding subclause (I), in the case that the rate of interest used under subsection (b)(5) exceeds the highest rate permitted under subclause (I), the rate of interest used to determine current liability under this subsection may exceed the rate of interest otherwise permitted under subclause (I); except that such rate of interest shall not exceed 120 percent of the weighted average referred to in subsection (b)(5)(B)(ii).''

(2) QUARTERLY CONTRIBUTIONS.—Subsection (e) of section 302 of such Act (29 U.S.C. 1082) is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULES FOR 2002 AND 2004.—In any case in which the interest rate used to determine current liability is determined under subsection (d)(7)(C)(i)(III)—

''(A) 2002.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).

''(B) 2004.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2004, the current liability for the preceding plan year shall be redetermined using 105 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).''

(c) PBGC.—Clause (iii) of section 4006(a)(3)(E) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new subclause:

''(IV) In the case of plan years beginning after December 31, 2001, and before January 1, 2004, subclause (II) shall be applied by substituting '100 percent' for '85 percent'. Subclause (III) shall be applied for such years without regard to the preceding sentence. Any reference to this clause by any other sections or subsections shall be treated as a reference to this clause without regard to this subclause.''

SEC. 506. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

''(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—In the case of taxable years beginning during 2002 or 2003, the deductions allowed by section 162 which consist of expenses, not in excess of $250, paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.''.

(b) ELIGIBLE EDUCATOR.—Section 62 is amended by adding at the end the following:

''(d) DEFINITION; SPECIAL RULES.—

''(1) ELIGIBLE EDUCATOR.—

''(A) IN GENERAL.—For purposes of subsection (a)(2)(D), the term 'eligible educator' means, with respect to any taxable year, an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

''(B) SCHOOL.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

''(2) COORDINATION WITH EXCLUSIONS.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Technical Corrections

SEC. 511. AMENDMENTS RELATED TO ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 101 OF THE ACT.—

(1) IN GENERAL.—Subsection (b) of section 6428 is amended to read as follows:

''(b) CREDIT TREATED AS NONREFUNDABLE PERSONAL CREDIT.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart A of part IV of subchapter A of chapter 1.''.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (d) of section 6428 is amended to read as follows:

''(d) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.''.

(B) Paragraph (2) of section 6428(e) is amended to read as follows:

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if—

''(A) this section (other than subsections (b) and (d) and this subsection) had applied to such taxable year, and

''(B) the credit for such taxable year were not allowed to exceed the excess (if any) of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(ii) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits).''

(b) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended by striking ''amount of credit allowed by this section'' and inserting ''aggregate amount of credits allowed by this subpart''.

(c) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) CORRECTIONS TO CREDIT FOR ADOPTION EXPENSES.—

(A) Paragraph (1) of section 23(a) is amended to read as follows:

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred by the taxpayer.''

(B) Subsection (a) of section 23 is amended by adding at the end the following new paragraph:

''(3) $10,000 CREDIT FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the taxpayer shall be treated as having paid during such year qualified adoption expenses with respect to such adoption in an amount equal to the excess (if any) of $10,000 over the aggregate qualified adoption expenses actually paid or incurred by the taxpayer with respect to such adoption during such taxable year and all prior taxable years.''

(C) Paragraph (2) of section 23(a) is amended by striking the last sentence.

(D) Paragraph (1) of section 23(b) is amended by striking ''subsection (a)(1)(A)'' and inserting ''subsection (a)''.

(E) Subsection (i) of section 23 is amended by striking ''the dollar limitation in subsection (b)(1)'' and inserting ''the dollar amounts in subsections (a)(3) and (b)(1)''.

(F) Expenses paid or incurred during any taxable year beginning before January 1, 2002, may be taken into account in determining the credit under section 23 of the Internal Revenue Code of 1986 only to the extent the aggregate of such expenses does not exceed the applicable limitation under section 23(b)(1) of such Code as in effect on the day before the date of the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(2) CORRECTIONS TO EXCLUSION FOR EMPLOYER-PROVIDED ADOPTION ASSISTANCE.—

(A) Subsection (a) of section 137 is amended to read as follows:

''(a) EXCLUSION.—

''(1) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

''(2) $10,000 EXCLUSION FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the qualified adoption expenses with respect to such adoption for such year shall be increased by an amount equal to the excess (if any) of $10,000 over the actual aggregate qualified adoption expenses with respect to such adoption during such taxable year and all prior taxable years.''

(B) Paragraph (2) of section 137(b) is amended by striking ''subsection (a)(1)'' and inserting ''subsection (a)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002; except that the amendments made by paragraphs (1)(C), (1)(D), and (2)(B) shall apply to taxable years beginning after December 31, 2001.

(d) AMENDMENTS RELATED TO SECTION 205 OF THE ACT.—

(1) Section 45F(d)(4)(B) is amended by striking ''subpart A, B, or D of this part'' and inserting ''this chapter or for purposes of section 55''.

(2) Section 38(b)(15) is amended by striking ''45F'' and inserting ''45F(a)''.

(e) AMENDMENTS RELATED TO SECTION 301 OF THE ACT.—

(1) Section 63(c)(2) is amended—

(A) in subparagraph (A), by striking ''subparagraph (C)'' and inserting ''subparagraph (D)'',

(B) by striking ''or'' at the end of subparagraph (B),

(C) by redesignating subparagraph (C) as subparagraph (D),

(D) by inserting after subparagraph (B) the following new subparagraph:

''(C) one-half of the amount allowable under subparagraph (A) in the case of a married individual filing a separate return, or'', and

(E) by inserting the following flush sentence at the end:

''If any amount determined under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''

(2)(A) Section 63(c)(4) is amended by striking ''paragraph (2) or (5)'' and inserting ''paragraph (2)(B), (2)(D), or (5)''.

(B) Section 63(c)(4)(B)(i) is amended by striking ''paragraph (2)'' and inserting ''paragraph (2)(B), (2)(D),''.

(C) Section 63(c)(4) is amended by striking the flush sentence at the end (as added by section 301(c)(2) of Public Law 107–17).

(f) AMENDMENT RELATED TO SECTION 401 OF THE ACT.—Section 530(d)(4)(B)(iv) is amended by striking ''because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2)'' and inserting ''by application of paragraph (2)(C)(i)(II)''.

(g) AMENDMENTS RELATED TO SECTION 511 OF THE ACT.—

(1) Section 2511(c) is amended by striking ''taxable gift under section 2503,'' and inserting ''transfer of property by gift,''.

(2) Section 2101(b) is amended by striking the last sentence.

(h) AMENDMENT RELATED TO SECTION 532 OF THE ACT.—Section 2016 is amended by striking ''any State, any possession of the United States, or the District of Columbia,''.

(i) AMENDMENTS RELATING TO SECTION 602 OF THE ACT.—

(1) Subparagraph (A) of section 408(q)(3) is amended to read as follows:

''(A) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' has the meaning given such term by section 72(p)(4)(A)(i); except that such term shall also include an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(2) Section 4(c) of Employee Retirement Income Security Act of 1974 is amended—

(A) by inserting ''and part 5 (relating to administration and enforcement)'' before the period at the end, and

(B) by adding at the end the following new sentence: ''Such provisions shall apply to such accounts and annuities in a manner similar to their application to a simplified employee pension under section 408(k) of the Internal Revenue Code of 1986.''.

(j) AMENDMENTS RELATING TO SECTION 611 OF THE ACT.—

(1) Section 408(k) is amended—

(A) in paragraph (2)(C) by striking ''$300'' and inserting ''$450'', and

(B) in paragraph (8) by striking ''$300'' both places it appears and inserting ''$450''.

(2) Section 409(o)(1)(C)(ii) is amended—

(A) by striking ''$500,000'' both places it appears and inserting ''$800,000'', and

(B) by striking ''$100,000'' and inserting ''$160,000''.

(3) Section 611(i) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE.—In the case of plan that, on June 7, 2001, incorporated by reference the limitation of section 415(b)(1)(A) of the Internal Revenue Code of 1986, section 411(d)(6) of such Code and section 204(g)(1) of the Employee Retirement Income Security Act of 1974 do not apply to a plan amendment that—

''(A) is adopted on or before June 30, 2002,

''(B) reduces benefits to the level that would have applied without regard to the amendments made by subsection (a) of this section, and

''(C) is effective no earlier than the years described in paragraph (2).''.

(k) AMENDMENTS RELATING TO SECTION 613 OF THE ACT.—

(1) Section 416(c)(1)(C)(iii) is amended by striking ''EXCEPTION FOR FROZEN PLAN'' and inserting ''EXCEPTION FOR PLAN UNDER WHICH NO KEY EMPLOYEE (OR FORMER KEY EMPLOYEE) BENEFITS FOR PLAN YEAR''.

(2) Section 416(g)(3)(B) is amended by striking ''separation from service'' and inserting ''severance from employment''.

(l) AMENDMENTS RELATING TO SECTIONS 614 and 616 OF THE ACT.—

(1) Section 404(a)(12) is amended by striking ''(9),'' and inserting ''(9) and subsection (h)(1)(C),''.

(2) Section 404(n) is amended by striking ''subsection (a),'' and inserting ''subsection (a) or paragraph (1)(C) of subsection (h)''.

(3) Section 402(h)(2)(A) is amended by striking ''15 percent'' and inserting ''25 percent''.

(4) Section 404(a)(7)(C) is amended to read as follows:

''(C) PARAGRAPH NOT TO APPLY IN CERTAIN CASES.—

''(i) BENEFICIARY TEST.—This paragraph shall not have the effect of reducing the amount otherwise deductible under paragraphs (1), (2), and (3), if no employee is a beneficiary under more than 1 trust or under a trust and an annuity plan.

''(ii) ELECTIVE DEFERRALS.—If, in connection with 1 or more defined contribution plans and 1 or more defined benefit plans, no amounts (other than elective deferrals (as defined in section 402(g)(3))) are contributed to any of the defined contribution plans for the taxable year, then subparagraph (A) shall not apply with respect to any of such defined contribution plans and defined benefit plans.''.

(m) AMENDMENT RELATING TO SECTION 618 OF THE ACT.—Section 25B(d)(2)(A) is amended to read as follows:

''(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the aggregate distributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) may be made. The preceding sentence shall not apply to the portion of any distribution which is not includible in gross income by reason of a trustee-to-trustee transfer or a rollover distribution.''.

(n) AMENDMENTS RELATING TO SECTION 619 OF THE ACT.—

(1) Section 45E(e)(1) is amended by striking ''(n)'' and inserting ''(m)''.

(2) Section 619(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''established'' and inserting ''first effective''.

(o) AMENDMENTS RELATING TO SECTION 631 OF THE ACT.—

(1) Section 402(g)(1) is amended by adding at the end the following:

''(C) CATCH-UP CONTRIBUTIONS.—In addition to subparagraph (A), in the case of an eligible participant (as defined in section 414(v)), gross income shall not include elective deferrals in excess of the applicable dollar amount under subparagraph (B) to the extent that the amount of such elective deferrals does not exceed the applicable dollar amount under section 414(v)(2)(B)(i) for the taxable year (without regard to the treatment of the elective deferrals by an applicable employer plan under section 414(v)).''.

(2) Section 401(a)(30) is amended by striking ''402(g)(1)'' and inserting ''402(g)(1)(A)''.

(3) Section 414(v)(2) is amended by adding at the end the following:

''(D) AGGREGATION OF PLANS.—For purposes of this paragraph, plans described in clauses (i), (ii), and (iv) of paragraph (6)(A) that are maintained by the same employer (as determined under subsection (b), (c), (m) or (o)) shall be treated as a single plan, and plans described in clause (iii) of paragraph (6)(A) that are maintained by the same employer shall be treated as a single plan.''.

(4) Section 414(v)(3)(A)(i) is amended by striking ''section 402(g), 402(h), 403(b), 404(a), 404(h), 408(k), 408(p), 415, or 457'' and inserting ''section 401(a)(30), 402(h), 403(b), 408, 415(c), and 457(b)(2) (determined without regard to section 457(b)(3))''.

(5) Section 414(v)(3)(B) is amended by striking ''section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416'' and inserting ''section 401(a)(4), 401(k)(3), 401(k)(11), 403(b)(12), 408(k), 410(b), or 416''.

(6) Section 414(v)(4)(B) is amended by inserting before the period at the end the following: '', except that a plan described in clause (i) of section 410(b)(6)(C) shall not be treated as a plan of the employer until the expiration of the transition period with respect to such plan (as determined under clause (ii) of such section)''.

(7) Section 414(v)(5) is amended—

(A) by striking '', with respect to any plan year,'' in the matter preceding subparagraph (A),

(B) by amending subparagraph (A) to read as follows:

''(A) who would attain age 50 by the end of the taxable year,'', and

(C) in subparagraph (B) by striking ''plan year'' and inserting ''plan (or other applicable) year''.

(8) Section 414(v)(6)(C) is amended to read as follows:

''(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to a participant for any year for which a higher limitation applies to the participant under section 457(b)(3).''.

(9) Section 457(e) is amended by adding at the end the following new paragraph:

''(18) COORDINATION WITH CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OLDER.— In the case of an individual who is an eligible participant (as defined by section 414(v)) and who is a participant in an eligible deferred compensation plan of an employer described in paragraph (1)(A), subsections (b)(3) and (c) shall be applied by substituting for the amount otherwise determined under the applicable subsection the greater of—

''(A) the sum of—

''(i) the plan ceiling established for purposes of subsection (b)(2) (without regard to subsection (b)(3)), plus

''(ii) the applicable dollar amount for the taxable year determined under section 414(v)(2)(B)(i), or

''(B) the amount determined under the applicable subsection (without regard to this paragraph).''.

(p) AMENDMENTS RELATING TO SECTION 632 OF THE ACT.—

(1) Section 403(b)(1) is amended in the matter following subparagraph (E) by striking ''then amounts contributed'' and all that follows and inserting the following:

''then contributions and other additions by such employer for such annuity contract shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such contributions and additions (when expressed as an annual addition (within the meaning of section 415(c)(2))) does not exceed the applicable limit under section 415. The amount actually distributed to any distributee under such contract shall be taxable to the distributee (in the year in which so distributed) under section 72 (relating to annuities). For purposes of applying the rules of this subsection to contributions and other additions by an employer for a taxable year, amounts transferred to a contract described in this paragraph by reason of a rollover contribution described in paragraph (8) of this subsection or section 408(d)(3)(A)(ii) shall not be considered contributed by such employer.''.

(2) Section 403(b) is amended by striking paragraph (6).

(3) Section 403(b)(3) is amended—

(A) in the first sentence by inserting the following before the period at the end: '', and which precedes the taxable year by no more than five years'', and

(B) in the second sentence by striking ''or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated''.

(4) Section 415(c)(7) is amended to read as follows:

''(7) SPECIAL RULES RELATING TO CHURCH PLANS.—

''(A) ALTERNATIVE CONTRIBUTION LIMITATION.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

''(ii) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

''(B) NUMBER OF YEARS OF SERVICE FOR DULY ORDAINED, COMMISSIONED, OR LICENSED MINISTERS OR LAY EMPLOYEES.—For purposes of this paragraph—

''(i) all years of service by—

''(I) a duly ordained, commissioned, or licensed minister of a church, or

''(II) a lay person,

as an employee of a church, a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), shall be considered as years of service for 1 employer, and

''(ii) all amounts contributed for annuity contracts by each such church (or convention or association of churches) or such organization during such years for such minister or lay person shall be considered to have been contributed by 1 employer.

''(C) FOREIGN MISSIONARIES.—In the case of any individual described in subparagraph (D) performing services outside the United States, contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such employee, when expressed as an annual addition to such employee's account, shall not be treated as exceeding the limitation of paragraph (1) if such annual addition is not in excess of the greater of $3,000 or the employee's includible compensation determined under section 403(b)(3).

''(D) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).

''(E) CHURCH, CONVENTION OR ASSOCIATION OF CHURCHES.—For purposes of this paragraph, the terms 'church' and 'convention or association of churches' have the same meaning as when used in section 414(e).''.

(5) Section 457(e)(5) is amended to read as follows:

''(5) INCLUDIBLE COMPENSATION.—The term 'includible compensation' has the meaning given to the term 'participant's compensation' by section 415(c)(3).''.

(6) Section 402(g)(7)(B) is amended by striking ''2001.'' and inserting ''2001).''.

(q) AMENDMENTS RELATING TO SECTION 643 OF THE ACT.—

(1) Section 401(a)(31)(C)(i) is amended by inserting ''is a qualified trust which is part of a plan which is a defined contribution plan and'' before ''agrees''.

(2) Section 402(c)(2) is amended by adding at the end the following flush sentence:

''In the case of a transfer described in subparagraph (A) or (B), the amount transferred shall be treated as consisting first of the portion of such distribution that is includible in gross income (determined without regard to paragraph (1)).''.

(r) AMENDMENTS RELATING TO SECTION 648 OF THE ACT.—

(1) Section 417(e) is amended—

(A) in paragraph (1) by striking ''exceed the dollar limit under section 411(a)(11)(A)'' and inserting ''exceed the amount that can be distributed without the participant's consent under section 411(a)(11)'', and

(B) in paragraph (2)(A) by striking ''exceeds the dollar limit under section 411(a)(11)(A)'' and inserting ''exceeds the amount that can be distributed without the participant's consent under section 411(a)(11)''.

(2) Section 205(g) of the Employee Retirement Income Security Act of 1974 is amended—

(A) in paragraph (1) by striking ''exceed the dollar limit under section 203(e)(1)'' and inserting ''exceed the amount that can be distributed without the participant's consent under section 203(e)'', and

(B) in paragraph (2)(A) by striking ''exceeds the dollar limit under section 203(e)(1)'' and inserting ''exceeds the amount that can be distributed without the participant's consent under section 203(e)''.

(s) AMENDMENT RELATING TO SECTION 652 OF THE ACT.—Section 404(a)(1)(D)(iv) is amended by striking ''PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS'' and inserting ''SPECIAL RULE FOR TERMINATING PLANS''.

(t) AMENDMENTS RELATING TO SECTION 657 OF THE ACT.—Section 404(c)(3) of the Employee Retirement Income Security Act of 1974 is amended—

(1) by striking ''the earlier of'' in subparagraph (A) the second place it appears, and

(2) by striking ''if the transfer'' and inserting ''a transfer that''.

(u) AMENDMENTS RELATING TO SECTION 659 OF THE ACT.—

(1) Section 4980F is amended—

(A) in subsection (e)(1) by striking ''written notice'' and inserting ''the notice described in paragraph (2)'',

(B) by amending subsection (f)(2)(A) to read as follows:

''(A) any defined benefit plan described in section 401(a) which includes a trust exempt from tax under section 501(a), or'', and

(C) in subsection (f)(3) by striking ''significantly'' both places it appears.

(2) Section 204(h)(9) of the Employee Retirement Income Security Act of 1974 is amended by striking ''significantly'' both places it appears.

(3) Section 659(c)(3)(B) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''(or'' and inserting ''(and''.

(v) AMENDMENTS RELATING TO SECTION 661 OF THE ACT.—

(1) Section 412(c)(9)(B) is amended—

(A) in clause (ii) by striking ''125 percent'' and inserting ''100 percent'', and

(B) by adding at the end the following new clause:

''(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).''.

(2) Section 302(c)(9)(B) of the Employee Retirement Income Security Act of 1974 is amended—

(A) in clause (ii) by striking ''125 percent'' and inserting ''100 percent'', and

(B) by adding at the end the following new clause:

''(iv) A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).''.

(w) AMENDMENTS RELATING TO SECTION 662 OF THE ACT.—

(1) Section 404(k) is amended—

(A) in paragraph (1) by striking ''during the taxable year'',

(B) in paragraph (2)(B) by striking ''(A)(iii)'' and inserting ''(A)(iv)'',

(C) in paragraph (4)(B) by striking ''(iii)'' and inserting ''(iv)'', and

(D) by redesignating subparagraph (B) of paragraph (4) (as amended by subparagraph (C)) as subparagraph (C) of paragraph (4) and by inserting after subparagraph (A) the following new subparagraph:

''(B) REINVESTMENT DIVIDENDS.—For purposes of subparagraph (A), an applicable dividend reinvested pursuant to clause (iii)(II) of paragraph (2)(A) shall be treated as paid in the taxable year of the corporation in which such dividend is reinvested in qualifying employer securities or in which the election

under clause (iii) of paragraph (2)(A) is made, whichever is later.''.

(2) Section 404(k) is amended by adding at the end the following new paragraph:

''(7) FULL VESTING.—In accordance with section 411, an applicable dividend described in clause (iii)(II) of paragraph (2)(A) shall be subject to the requirements of section 411(a)(1).''.

(x) EFFECTIVE DATE.—Except as provided in subsection (c), the amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 512. AMENDMENTS RELATED TO COMMUNITY RENEWAL TAX RELIEF ACT OF 2000.

(a) AMENDMENT RELATED TO SECTION 101 OF THE ACT.—Section 469(i)(3)(E) is amended by striking clauses (ii), (iii), and (iv) and inserting the following:

''(ii) second to the portion of such loss to which subparagraph (C) applies,

''(iii) third to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

''(iv) fourth to the portion of such credit to which subparagraph (B) applies, and''.

(b) AMENDMENT RELATED TO SECTION 306 OF THE ACT.—Section 151(c)(6)(C) is amended—

(1) by striking ''FOR EARNED INCOME CREDIT.—For purposes of section 32, an'' and inserting ''FOR PRINCIPAL PLACE OF ABODE REQUIREMENTS.—An'', and

(2) by striking ''requirement of section 32(c)(3)(A)(ii)'' and inserting ''principal place of abode requirements of section 2(a)(1)(B), section 2(b)(1)(A), and section 32(c)(3)(A)(ii)''.

(c) AMENDMENT RELATED TO SECTION 309 OF THE ACT.—Subparagraph (A) of section 358(h)(1) is amended to read as follows:

''(A) which is assumed by another person as part of the exchange, and''.

(d) AMENDMENTS RELATED TO SECTION 401 OF THE ACT.—

(1)(A) Section 1234A is amended by inserting ''or'' after the comma at the end of paragraph (1), by striking ''or'' at the end of paragraph (2), and by striking paragraph (3).

(B)(i) Section 1234B is amended in subsection (a)(1) and in subsection (b) by striking ''sale or exchange'' the first place it appears in each subsection and inserting ''sale, exchange, or termination''.

(ii) Section 1234B is amended by adding at the end the following new subsection:

''(f) CROSS REFERENCE.—

''For special rules relating to dealer securities futures contracts, see section 1256.''

(2) Section 1091(e) is amended—

(A) in the heading, by striking ''SECURITIES.—'' and inserting ''SECURITIES AND SECURITIES FUTURES CONTRACTS TO SELL.—'',

(B) by inserting after ''closing of a short sale of'' the following: ''(or a securities futures contract to sell)'',

(C) in paragraph (2), by inserting after ''short sale of'' the following: ''(or securities futures contracts to sell)'', and

(D) by adding at the end the following:

''For purposes of this subsection, the term 'securities futures contract' has the meaning provided by section 1234B(c).''.

(3) Section 1233(e)(2) is amended by striking ''and'' at the end of subparagraph (C), by striking the period and inserting ''; and'' at the end of subparagraph (D), and by adding at the end the following:

''(E) entering into a securities futures contract (as so defined) to sell shall be treated as entering into a short sale, and the sale, exchange, or termination of a securities futures contract to sell shall be treated as the closing of a short sale.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Community Renewal Tax Relief Act of 2000 to which they relate.

SEC. 513. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENTS RELATED TO SECTION 545 OF THE ACT.—Section 857(b)(7) is amended—

(1) in clause (i) of subparagraph (B), by striking ''the amount of which'' and inserting ''to the extent the amount of the rents'', and

(2) in subparagraph (C), by striking ''if the amount'' and inserting ''to the extent the amount''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 545 of the Tax Relief Extension Act of 1999.

SEC. 514. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 311 OF THE ACT.—Section 311(e) of the Taxpayer Relief Act of 1997 (Public Law 105–34; 111 Stat. 836) is amended—

(1) in paragraph (2)(A), by striking ''recognized'' and inserting ''included in gross income'', and

(2) by adding at the end the following new paragraph:

''(5) DISPOSITION OF INTEREST IN PASSIVE ACTIVITY.—Section 469(g)(1)(A) of the Internal Revenue Code of 1986 shall not apply by reason of an election made under paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 311 of the Taxpayer Relief Act of 1997.

SEC. 515. AMENDMENT RELATED TO THE BALANCED BUDGET ACT OF 1997.

(a) AMENDMENT RELATED TO SECTION 4006 OF THE ACT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (P), by striking the period and inserting '', and'' at the end of subparagraph (Q), and by adding at the end the following new subparagraph:

''(R) section 138(c)(2) (relating to penalty for distributions from Medicare+Choice MSA not used for qualified medical expenses if minimum balance not maintained).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 4006 of the Balanced Budget Act of 1997.

SEC. 516. OTHER TECHNICAL CORRECTIONS.

(a) COORDINATION OF ADVANCED PAYMENTS OF EARNED INCOME CREDIT.—

(1) Section 32(g)(2) is amended by striking ''subpart'' and inserting ''part''.

(2) The amendment made by this subsection shall take effect as if included in section 474 of the Tax Reform Act of 1984.

(b) DISCLOSURE BY SOCIAL SECURITY ADMINISTRATION TO FEDERAL CHILD SUPPORT AGENCIES.—

(1) Section 6103(l)(8) is amended—

(A) in the heading, by striking ''STATE AND LOCAL'' and inserting ''FEDERAL, STATE, AND LOCAL'', and

(B) in subparagraph (A), by inserting ''Federal or'' before ''State or local''.

(2) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) TREATMENT OF SETTLEMENTS UNDER PARTNERSHIP AUDIT RULES.—

(1) The following provisions are each amended by inserting ''or the Attorney General (or his delegate)'' after ''Secretary'' each place it appears:

(A) Paragraphs (1) and (2) of section 6224(c).

(B) Section 6229(f)(2).

(C) Section 6231(b)(1)(C).

(D) Section 6234(g)(4)(A).

(2) The amendments made by this subsection shall apply with respect to settlement agreements entered into after the date of the enactment of this Act.

(d) AMENDMENT RELATED TO PROCEDURE AND ADMINISTRATION.—

(1) Section 6331(k)(3) (relating to no levy while certain offers pending or installment agreement pending or in effect) is amended to read as follows:

''(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of—

''(A) paragraphs (3) and (4) of subsection (i), and

''(B) except in the case of paragraph (2)(C), paragraph (5) of subsection (i),

shall apply for purposes of this subsection.''.

(2) The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(e) MODIFIED ENDOWMENT CONTRACTS.—Paragraph (2) of section 318(a) of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A–645) is repealed, and clause (ii) of section 7702A(c)(3)(A) shall read and be applied as if the amendment made by such paragraph had not been enacted.

SEC. 517. CLERICAL AMENDMENTS.

(1) The subsection (g) of section 25B that relates to termination is redesignated as subsection (h).

(2) Section 51A(c)(1) is amended by striking ''51(d)(10)'' and inserting ''51(d)(11)''.

(3) Section 172(b)(1)(F)(i) is amended—

(A) by striking ''3 years'' and inserting ''3 taxable years'', and

(B) by striking ''2 years'' and inserting ''2 taxable years''.

(4) Section 351(h)(1) is amended by inserting a comma after ''liability''.

(5) Section 741 is amended by striking ''which have appreciated substantially in value''.

(6) Section 857(b)(7)(B)(i) is amended by striking ''subsection 856(d)'' and inserting ''section 856(d)''.

(7) Section 1394(c)(2) is amended by striking ''subparagraph (A)'' and inserting ''paragraph (1)''.

(8)(A) Section 6227(d) is amended by striking ''subsection (b)'' and inserting ''subsection (c)''.

(B) Section 6228 is amended—

(i) in subsection (a)(1), by striking ''subsection (b) of section 6227'' and inserting ''subsection (c) of section 6227'',

(ii) in subsection (a)(3)(A), by striking ''subsection (b) of'', and

(iii) in subsections (b)(1) and (b)(2)(A), by striking ''subsection (c) of section 6227'' and inserting ''subsection (d) of section 6227''.

(C) Section 6231(b)(2)(B)(i) is amended by striking ''section 6227(c)'' and inserting ''section 6227(d)''.

(9) Section 1221(b)(1)(B)(i) is amended by striking ''1256(b))'' and inserting ''1256(b)))''.

(10) Section 618(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16; 115 Stat. 108) is amended—

(A) in subparagraph (A) by striking ''203(d)'' and inserting ''202(f)'', and

(B) in subparagraphs (C), (D), and (E) by striking ''203'' and inserting ''202(f)''.

(11)(A) Section 525 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1928) is amended by striking ''7200'' and inserting ''7201''.

(B) Section 532(c)(2) of such Act (113 Stat. 1930) is amended—

(i) in subparagraph (D), by striking ''341(d)(3)'' and inserting ''341(d)'', and

(ii) in subparagraph (Q), by striking ''954(c)(1)(B)(iii) and inserting ''954(c)(1)(B)''.

SEC. 518. ADDITIONAL CORRECTIONS.

(a) AMENDMENTS RELATED TO SECTION 202 OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—

(1) Subsection (h) of section 23 is amended—

(A) by striking ''subsection (a)(1)(B)'' and inserting ''subsection (a)(3)'', and

(B) by adding at the end the following new flush sentence:

''If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.''

(2) Subsection (f) of section 137 is amended by adding at the end the following new flush sentence:

''If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.''

(b) AMENDMENTS RELATED TO SECTION 204 OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—Section 21(d)(2) is amended—

(1) in subparagraph (A) by striking ''$200'' and inserting ''$250'', and

(2) in subparagraph (B) by striking ''$400'' and inserting ''$500''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

TITLE VI—UNEMPLOYMENT ASSISTANCE

SEC. 601. SHORT TITLE.

This title may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

SEC. 602. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the ''Secretary''). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before March 15, 2001);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(4) filed an initial claim for regular compensation on or after March 15, 2001.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 603 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of temporary extended unemployment compensation in lieu of extended compensation to individuals who otherwise meet the requirements of this section. Such an election shall not require a State to trigger off an extended benefit period.

SEC. 603. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period if, at the time of exhaustion (as described in paragraph (1))—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970; or

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act were applied as if it had been amended by striking ''5'' each place it appears and inserting ''4''.

SEC. 604. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 605. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal

year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 606. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of temporary extended unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such temporary extended unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such temporary extended unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 607. DEFINITIONS.

In this title, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 608. APPLICABILITY.

An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

SEC. 609. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.

(a) REPEAL OF CERTAIN PROVISIONS ADDED BY THE BALANCED BUDGET ACT OF 1997.—

(1) IN GENERAL.—The following provisions of section 903 of the Social Security Act (42 U.S.C. 1103) are repealed:

(A) Paragraph (3) of subsection (a).

(B) The last sentence of subsection (c)(2).

(2) SAVINGS PROVISION.—Any amounts transferred before the date of enactment of this Act under the provision repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as last in effect before such date of enactment.

(b) SPECIAL TRANSFER IN FISCAL YEAR 2002.—Section 903 of the Social Security Act is amended by adding at the end the following:

''Special Transfer in Fiscal Year 2002

''(d)(1) The Secretary of the Treasury shall transfer (as of the date determined under paragraph (5)) from the Federal unemployment account to the account of each State in the Unemployment Trust Fund the amount determined with respect to such State under paragraph (2).

''(2)(A) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to—

''(i) the amount which would have been required to have been transferred under this section to such account at the beginning of fiscal year 2002 if—

''(I) section 609(a)(1) of the Temporary Extended Unemployment Compensation Act of 2002 had been enacted before the close of fiscal year 2001, and

''(II) section 5402 of Public Law 105–33 (relating to increase in Federal unemployment account ceiling) had not been enacted,

minus

''(ii) the amount which was in fact transferred under this section to such account at the beginning of fiscal year 2002.

''(B) Notwithstanding the provisions of subparagraph (A)—

''(i) the aggregate amount transferred to the States under this subsection may not exceed a total of $8,000,000,000; and

''(ii) all amounts determined under subparagraph (A) shall be reduced ratably, if and to the extent necessary in order to comply with the limitation under clause (i).

''(3)(A) Except as provided in paragraph (4), amounts transferred to a State account pursuant to this subsection may be used only in the payment of cash benefits—

''(i) to individuals with respect to their unemployment, and

''(ii) which are allowable under subparagraph (B) or (C).

''(B)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable as—

''(I) regular compensation, or

''(II) additional compensation, upon the exhaustion of any temporary extended unemployment compensation (if such State has entered into an agreement under the Temporary Extended Unemployment Compensation Act of 2002), for individuals eligible for regular compensation under the unemployment compensation law of such State.

''(ii) Any additional compensation under clause (i) may not be taken into account for purposes of any determination relating to the amount of any extended compensation for which an individual might be eligible.

''(C)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable to 1 or more categories of individuals not otherwise eligible for regular compensation under the unemployment compensation law of such State, including those described in clause (iii).

''(ii) The benefits paid under this subparagraph to any individual may not, for any period of unemployment, exceed the maximum amount of regular compensation authorized under the unemployment compensation law of such State for that same period, plus any additional compensation (described in subparagraph (B)(i)) which could have been paid with respect to that amount.

''(iii) The categories of individuals described in this clause include the following:

''(I) Individuals who are seeking, or available for, only part-time (and not full-time) work.

''(II) Individuals who would be eligible for regular compensation under the unemployment compensation law of such State under an alternative base period.

''(D) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment beginning after the date of enactment of this subsection.

''(4) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law and public employment offices (including in connection with benefits described in paragraph (3) and any recipients thereof), subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection).

''(5) Transfers under this subsection shall be made within 10 days after the date of enactment of this paragraph.''

(c) LIMITATIONS ON TRANSFERS.—Section 903(b) of the Social Security Act shall apply to transfers under section 903(d) of such Act (as amended by this section). For purposes of the preceding sentence, such section 903(b) shall be deemed to be amended as follows:

(1) By substituting ''the transfer date described in subsection (d)(5)'' for ''October 1 of any fiscal year''.

(2) By substituting ''remain in the Federal unemployment account'' for ''be transferred to the Federal unemployment account as of the beginning of such October 1''.

(3) By substituting ''fiscal year 2002 (after the transfer date described in subsection (d)(5))'' for ''the fiscal year beginning on such October 1''.

(4) By substituting ''under subsection (d)'' for ''as of October 1 of such fiscal year''.

(5) By substituting ''(as of the close of fiscal year 2002)'' for ''(as of the close of such fiscal year)''.

(d) TECHNICAL AMENDMENTS.—(1) Sections 3304(a)(4)(B) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by inserting ''or 903(d)(4)'' before ''of the Social Security Act''.

(2) Section 303(a)(5) of the Social Security Act is amended in the second proviso by inserting ''or 903(d)(4)'' after ''903(c)(2)''.

(e) REGULATIONS.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

TITLE VII—DISPLACED WORKER HEALTH INSURANCE CREDIT

SEC. 701. DISPLACED WORKER HEALTH INSURANCE CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 is amended by inserting after section 6428 the following new section:

"SEC. 6429. DISPLACED WORKER HEALTH INSURANCE CREDIT.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 60 percent of the amount paid during the taxable year for coverage for the taxpayer, the taxpayer's spouse, and dependents of the taxpayer under qualified health insurance during eligible coverage months.

''(b) ONLY 12 ELIGIBLE COVERAGE MONTHS.—The number of eligible coverage months taken into account under subsection (a) for all taxable years shall not exceed 12.

''(c) ELIGIBLE COVERAGE MONTH.—For purposes of this section—

''(1) IN GENERAL.—The term 'eligible coverage month' means any month during 2002 or 2003 if, as of the first day of such month—

''(A) the taxpayer is unemployed,

''(B) the taxpayer is covered by qualified health insurance,

''(C) the premium for coverage under such insurance for such month is paid by the taxpayer, and

''(D) the taxpayer does not have other specified coverage.

''(2) SPECIAL RULES.—

''(A) TREATMENT OF FIRST MONTH OF EMPLOYMENT.—The taxpayer shall be treated as meeting the requirement of paragraph (1)(A) for the first month beginning on or after the date that the taxpayer ceases to be unemployed by reason of beginning work for an employer.

''(B) INITIAL CLAIM MUST BE AFTER MARCH 15, 2001.—The taxpayer shall not be treated as meeting the requirement of paragraph (1)(A) with respect to any unemployment if the initial claim for regular compensation for such unemployment is filed on or before March 15, 2001.

''(C) JOINT RETURNS.—In the case of a joint return, the requirements of paragraph (1) shall be treated as met if at least 1 spouse satisfies such requirements.

''(3) OTHER SPECIFIED COVERAGE.—For purposes of this subsection, an individual has other specified coverage for any month if, as of the first day of such month—

''(A) SUBSIDIZED COVERAGE.—

''(i) IN GENERAL.—Such individual is covered under any qualified health insurance under which at least 50 percent of the cost of coverage (determined under section 4980B) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

''(ii) TREATMENT OF CAFETERIA PLANS AND FLEXIBLE SPENDING ACCOUNTS.—For purposes of clause (i), the cost of benefits—

''(I) which are chosen under a cafeteria plan (as defined in section 125(d)), or provided under a flexible spending or similar arrangement, of such an employer, and

''(II) which are not includible in gross income under section 106,

shall be treated as borne by such employer.

''(B) COVERAGE UNDER MEDICARE, MEDICAID, OR SCHIP.—Such individual—

''(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

''(ii) is enrolled in the program under title XIX or XXI of such Act.

''(C) CERTAIN OTHER COVERAGE.—Such individual—

''(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code, or

''(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code.

''(4) DETERMINATION OF UNEMPLOYMENT.—For purposes of paragraph (1), an individual shall be treated as unemployed during any period—

''(A) for which such individual is receiving unemployment compensation (as defined in section 85(b)), or

''(B) for which such individual is certified by a State agency (or by any other entity designated by the Secretary) as otherwise being entitled to receive unemployment compensation (as so defined) but for—

''(i) the termination of the period during which such compensation was payable, or

''(ii) an exhaustion of such individual's rights to such compensation.

''(d) QUALIFIED HEALTH INSURANCE.—For purposes of this section, the term 'qualified health insurance' means insurance which constitutes medical care; except that such term shall not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

''(e) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

''(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment is made by the Secretary under section 7527 during any calendar year to a provider of qualified health insurance for an individual, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

''(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under part IV of subchapter A of chapter 1.

''(f) SPECIAL RULES.—

''(1) COORDINATION WITH OTHER DEDUCTIONS.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

''(2) MSA DISTRIBUTIONS.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

''(3) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

''(4) CREDIT TREATED AS REFUNDABLE CREDIT.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1.

''(5) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 7527.''.

(b) INCREASED ACCESS TO HEALTH INSURANCE FOR INDIVIDUALS ELIGIBLE FOR TAX CREDIT THROUGH USE OF GUARANTEED ISSUE, QUALIFIED HIGH RISK POOLS, AND OTHER APPROPRIATE STATE MECHANISMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in applying section 2741 of the Public Health Service Act (42 U.S.C. 300gg–41)) and any alternative State mechanism under section 2744 of such Act (42 U.S.C.300gg–44)), in determining who is an eligible individual (as defined in section 2741(b) of such Act) in the case of an individual who may be covered by insurance for which credit is allowable under section 6429 of the Internal Revenue Code of 1986 for an eligible coverage month, if the individual seeks to obtain health insurance coverage under such section during an eligible coverage month under such section—

(A) paragraph (1) of such section 2741(b) shall be applied as if any reference to 18 months is deemed a reference to 12 months, and

(B) paragraphs (4) and (5) of such section 2741(b) shall not apply.

(2) PROMOTION OF STATE HIGH RISK POOLS.—Title XXVII of the Public Health Service Act is amended by inserting after section 2744 the following new section:

"SEC. 2745. PROMOTION OF QUALIFIED HIGH RISK POOLS.

''(a) SEED GRANTS TO STATES.—The Secretary shall provide from the funds appropriated under subsection (c)(1) a grant of up to $1,000,000 to each State that has not created a qualified high risk pool as of the date of the enactment of this section for the State's costs of creation and initial operation of such a pool.

''(b) MATCHING FUNDS FOR OPERATION OF POOLS.—

''(1) IN GENERAL.—In the case of a State that has established a qualified high risk pool that restricts premiums charged under the pool to no more than 150 percent of the premium for applicable standard risk rates and that offers a choice of two or more coverage options through the pool, from the funds appropriated under subsection (c)(2) and allotted to the State under paragraph (2), the Secretary shall provide a grant of up to 50 percent of the losses incurred by the State in connection with the operation of the pool.

''(2) ALLOTMENT.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States in accordance with a formula that is based upon the number of uninsured individuals in the States.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing a State from supplementing the funds made available under this subsection for the support and operation of qualified high risk pools.

''(c) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated—

''(1) $20,000,000 for fiscal year 2002 to carry out subsection (a); and

''(2) $40,000,000 for each of fiscal years 2002 and 2003.

Funds appropriated under this subsection for a fiscal year shall remain available for obligation through the end of the following fiscal year. Nothing in this section shall be construed as providing a State with an entitlement to a grant under this section.

''(d) QUALIFIED HIGH RISK POOL AND STATE DEFINED.—For purposes of this section, the term 'qualified high risk pool' has the meaning given such term in section 2744(c)(2) and the term 'State' means any of the 50 States and the District of Columbia.''.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the ability of a State to use mechanisms, described in sections 2741(c) and 2744 of the Public Health Service Act, as an alternative to applying the guaranteed availability provisions of section 2741(a) of such Act.

(c) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO DISPLACED WORKER HEALTH INSURANCE CREDIT.

''(a) REQUIREMENT OF REPORTING.—Every person—

''(1) who, in connection with a trade or business conducted by such person, receives

payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6429(d)), and

''(2) who claims a reimbursement for an advance credit amount,

shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each individual from whom such payments were received or for whom such a reimbursement is claimed.

''(b) FORM AND MANNER OF RETURNS.—A return is described in this subsection if such return—

''(1) is in such form as the Secretary may prescribe, and

''(2) contains—

''(A) the name, address, and TIN of each individual referred to in subsection (a),

''(B) the aggregate of the advance credit amounts provided to such individual and for which reimbursement is claimed,

''(C) the number of months for which such advance credit amounts are so provided, and

''(D) such other information as the Secretary may prescribe.

''(c) STATEMENTS TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

''(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

''(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

''(d) ADVANCE CREDIT AMOUNT.—For purposes of this section, the term 'advance credit amount' means an amount for which the person can claim a reimbursement pursuant to a program established by the Secretary under section 7527.''

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

''(xi) section 6050T (relating to returns relating to displaced worker health insurance credit),''.

(B) Paragraph (2) of section 6724(d) is amended by striking ''or'' at the end of subparagraph (Z), by striking the period at the end of subparagraph (AA) and inserting '', or'', and by adding after subparagraph (AA) the following new subparagraph:

''(BB) section 6050T (relating to returns relating to displaced worker health insurance credit).''

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050S the following new item:

''Sec. 6050T. Returns relating to displaced worker health insurance credit.''

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period '', or from section 6429 of such Code''.

(2) The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

''Sec. 6429. Displaced worker health insurance credit.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 702. ADVANCE PAYMENT OF DISPLACED WORKER HEALTH INSURANCE CREDIT.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

''SEC. 7527. ADVANCE PAYMENT OF DISPLACED WORKER HEALTH INSURANCE CREDIT.

''(a) GENERAL RULE.—The Secretary shall establish a program for making payments on behalf of eligible individuals to providers of health insurance for such individuals.

''(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual for whom a qualified health insurance credit eligibility certificate is in effect.

''(c) QUALIFIED HEALTH INSURANCE CREDIT ELIGIBILITY CERTIFICATE.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement certified by a State agency (or by any other entity designated by the Secretary) which—

''(1) certifies that the individual was unemployed (within the meaning of section 6429) as of the first day of any month, and

''(2) provides such other information as the Secretary may require for purposes of this section.''

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7527. Advance payment of displaced worker health insurance credit.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VIII—EMPLOYMENT AND TRAINING ASSISTANCE AND TEMPORARY HEALTH CARE COVERAGE ASSISTANCE

SEC. 801. EMPLOYMENT AND TRAINING ASSISTANCE AND TEMPORARY HEALTH CARE COVERAGE ASSISTANCE.

(a) IN GENERAL.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) to the Governor of any State or outlying area who applies for assistance under subsection (f) to provide employment and training assistance and temporary health care coverage assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or multiple layoffs, including those dislocations caused by the terrorist attacks of September 11, 2001.''.

(b) REQUIREMENTS.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

''(f) ADDITIONAL RELIEF FOR MAJOR ECONOMIC DISLOCATIONS.—

''(1) GRANT RECIPIENT ELIGIBILITY.—

''(A) IN GENERAL.—To be eligible to receive a grant under subsection (a)(4), a Governor shall submit an application, for assistance described in subparagraph (B), to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(B) TYPES OF ASSISTANCE.—

''(i) IN GENERAL.—Assistance described in this subparagraph is—

''(I) employment and training assistance, including employment and training activities described in section 134; and

''(II) temporary health care coverage assistance described in paragraph (4).

''(ii) MINIMUM ALLOCATION TO TEMPORARY HEALTH CARE COVERAGE ASSISTANCE.—Not less than 30 percent of the cost of assistance requested in any application submitted under this subsection shall consist of the cost for temporary health care coverage assistance described in paragraph (4).

''(iii) ENCOURAGEMENT OF CERTAIN TYPES OF HEALTH CARE COVERAGE.—In publishing requirements for applications under this subsection, the Secretary shall encourage the use of private health coverage alternatives.

''(C) MINIMUM AWARD REQUIREMENT FOR ELIGIBLE STATES AND OUTLYING AREAS.—

''(i) REQUIREMENTS.—In any case in which the requirements of this section are met in connection with one or more applications of the Governor of any State or outlying area for assistance described in subparagraph (B), the Governor—

''(I) shall be awarded at least 1 grant under subsection (a)(4) pursuant to such applications, and

''(II) except as provided in clause (ii), shall be awarded not less than $5,000,000 in total grants awarded under (a)(4).

''(ii) EXCEPTION TO MINIMUM GRANT REQUIREMENTS.—The Secretary may award to a Governor a total amount less than the minimum total amount specified in clause (i)(II), as appropriate, if the Governor—

''(I) requests less than such minimum total amount, or

''(II) fails to demonstrate to the Secretary that there are a sufficient number of eligible recipients to justify the awarding of grants in such minimum total amount.

''(2) STATE ADMINISTRATION.—The Governor may designate one or more local workforce investment boards or other entities with the capability to respond to the circumstances relating to the particular closure, layoff, or other dislocation to administer the grant under subsection (a)(4).

''(3) PARTICIPANT ELIGIBILITY.—An individual shall be eligible to receive assistance described in paragraph (1)(B) under a grant awarded under subsection (a)(4) if such individual is a dislocated worker and the Governor has certified that a major economic dislocation, such as a plant closure, mass layoff, or multiple layoff, including a dislocation caused by the terrorist attacks of September 11, 2001, contributed importantly to the dislocation.

''(4) TEMPORARY HEALTH CARE COVERAGE ASSISTANCE.—

''(A) IN GENERAL.—Temporary health care coverage assistance described in this paragraph consists of health care coverage premium assistance provided to qualified individuals under this paragraph with respect to premiums for coverage for themselves, for their spouses, for their dependents, or for any combination thereof, other than premiums for excluded health insurance coverage.

''(B) QUALIFIED INDIVIDUALS.—For purposes of this paragraph—

''(i) IN GENERAL.—Subject to clause (ii), a qualified individual is an individual who—

''(I) is a dislocated worker referred to in paragraph (3) with respect to whom the Governor has made the certification regarding the dislocation as required under such paragraph, and

''(II) is receiving or has received employment and training assistance as described in paragraph (1)(B)(i)(I).

''(ii) LIMITATION.—An individual shall not be treated as a qualified individual if—

''(I) such individual is eligible for coverage under the program under title XIX of the Social Security Act applicable in the State or outlying area, or

''(II) such individual is eligible for coverage under the program under title XXI of such Act applicable in the State or outlying area,

unless such eligibility is effective solely in connection with eligibility for health care coverage premium assistance under a program established by the Governor in connection with temporary health care coverage assistance received under this subsection.

''(iii) CONSTRUCTION.—

''(I) PERMITTING COVERAGE THROUGH ENROLLMENT IN MEDICAID OR SCHIP.—Nothing in this subsection shall be construed as preventing a State from using funds made available by reason of subsection (a)(4) to provide health care coverage through enrollment in the program under title XIX (relating to medicaid) or in the program under title XXI (relating to SCHIP) of the Social Security Act, but only in the case of individuals who are not otherwise eligible for coverage under either such program.

''(II) NOT AFFECTING ELIGIBILITY FOR ASSISTANCE.—An individual shall not be treated for purposes of this subsection as being eligible for coverage under either such program (and thereby not eligible for assistance under this subsection) merely on the basis that the State provides assistance under this subsection through coverage under either such program.

''(C) LIMITATION ON ENTITLEMENT.—Nothing in this subsection shall be construed as establishing any entitlement of qualified individuals to premium assistance under this subsection.

''(D) CONCURRENCE AND CONSULTATION.—In connection with any temporary health care coverage assistance provided pursuant to this paragraph—

''(i) if the Secretary determines that health care coverage premium assistance provided through title XIX or XXI of the Social Security Act is a substantial component of the assistance provided, the Secretary shall act in concurrence with the Secretary of Health and Human Services, and

''(ii) in any other case, the Secretary shall consult with the Secretary of Health and Human Services to the extent that such assistance affects programs administered by or under the Secretary of Health and Human Services.

''(E) USE OF FUNDS.—Temporary health care coverage assistance provided pursuant to this subsection shall supplement and may not supplant any other State or local funds used to provide health care coverage and may not be included in determining the amount of non-Federal contributions required under any program.

''(F) DEFINITIONS.—For purposes of this paragraph—

''(i) EXCLUDED HEALTH CARE COVERAGE.—The term 'excluded health care coverage' means coverage under—

''(I) title XVIII of the Social Security Act,

''(II) chapter 55 of title 10, United States Code,

''(III) chapter 17 of title 38, United States Code,

''(IV) chapter 89 of title 5, United States Code (other than coverage which is comparable to continuation coverage under section 4980B of the Internal Revenue Code of 1986), or

''(V) the Indian Health Care Improvement Act.

Such term also includes coverage under a qualified long-term care insurance contract and excepted benefits described in section 733(c) of the Employee Retirement Income Security Act of 1974.

''(ii) PREMIUM.—The term 'premium' means, in connection with health care coverage, the premium which would (but for this section) be charged for the cost of coverage.

''(5) APPROPRIATIONS.—

''(A) IN GENERAL.—There is hereby appropriated, from any amounts in the Treasury not otherwise appropriated, $3,900,000,000 for the period consisting of fiscal years 2002, 2003, and 2004 for the award of grants under subsection (a)(4) in accordance with this section.

''(B) AVAILABILITY.—Amounts appropriated pursuant to subparagraph (A) for each fiscal year—

''(i) are in addition to amounts made available under section 132(a)(2)(A) or any other provision of law to carry out this section; and

''(ii) notwithstanding section 189(g)(1), shall remain available for obligation by the Secretary from the date of the enactment of this subsection through each succeeding fiscal year, except that, notwithstanding section 189(g)(2), no funds are hereby available for expenditure after June 30, 2004.''.

TITLE IX—TEMPORARY STATE HEALTH CARE ASSISTANCE

SEC. 901. TEMPORARY STATE HEALTH CARE ASSISTANCE.

(a) IN GENERAL.—Title XXI of the Social Security Act is amended by adding at the end the following new section:

''SEC. 2111. TEMPORARY STATE HEALTH CARE ASSISTANCE.

''(a) IN GENERAL.—For the purpose of providing allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $4,599,667,448. Such funds shall be available for expenditure by the State through the end of 2002. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

''(b) ALLOTMENT.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

''State	Allotment (in dollars)
Alabama	50,746,770
Alaska	31,934,026
Arizona	68,594,677
Arkansas	38,203,601
California	482,591,746
Colorado	37,469,775
Connecticut	60,039,005
Delaware	10,355,807
District of Columbia	18,321,834
Florida	164,619,369
Georgia	118,754,564
Hawaii	12,827,163
Idaho	13,031,700
Illinois	175,505,956
Indiana	66,067,368
Iowa	31,521,201
Kansas	27,288,967
Kentucky	82,759,133
Louisiana	83,907,301
Maine	22,650,838
Maryland	60,347,066
Massachusetts	121,971,140
Michigan	156,479,213
Minnesota	113,966,453
Mississippi	55,335,225
Missouri	74,675,436
Montana	10,224,652
Nebraska	31,582,786
Nevada	14,695,973
New Hampshire	15,482,962
New Jersey	115,880,093
New Mexico	39,204,714
New York	573,999,663
North Carolina	189,333,723
North Dakota	8,915,675
Ohio	166,006,936
Oklahoma	48,914,626
Oregon	71,160,353
Pennsylvania	227,183,255
Rhode Island	45,001,680
South Carolina	94,789,740
South Dakota	19,951,788
Tennessee	102,845,128
Texas	289,526,532
Utah	30,860,915
Vermont	10,291,090
Virginia	67,232,217
Washington	110,377,264
West Virginia	31,120,804
Wisconsin	93,089,086
Wyoming	12,030,459

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Funds appropriated under this section may be used by a State only to provide health care items and services (other than types of items and services for which Federal financial participation is prohibited under this title or title XIX).

''(2) LIMITATION.—Funds so appropriated may not be used to match other Federal expenditures or in any other manner that results in the expenditure of Federal funds in excess of the amounts provided under this section.

''(d) PAYMENT TO STATES.—Funds made available under this section shall be paid to the States in a form and manner and time specified by the Secretary, based upon the submission of such information as the Secretary may require. There is no requirement for the expenditure of any State funds in order to qualify for receipt of funds under this section. The previous sections of this title shall not apply with respect to funds provided under this section.

''(e) DEFINITION.—For purposes of this section, the term 'State' means the 50 States and the District of Columbia.''.

(b) REPEAL.—Effective as of January 1, 2003, section 2111 of the Social Security Act, as inserted by subsection (a), is repealed.

TITLE X—SOCIAL SECURITY HELD HARMLESS; BUDGETARY TREATMENT OF ACT

SEC. 1001. NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.

(a) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

SEC. 1002. EMERGENCY DESIGNATION.

Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(1) An amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(2) Amounts equal to the amounts of new budget authority and outlays provided in this Act in excess of the allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following:

To provide tax incentives for economic recovery and assistance to displaced workers.

The SPEAKER pro tempore. Pursuant to House Resolution 347, the gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. MATSUI) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

It was not too long ago that we all gathered on the floor of the House and listened to President Bush on his State of the Union message. It was a remarkable speech because it was interrupted by a number of standing applauses for the statements that the President made.

One of those that I listened carefully to was one that elicited a significant amount of response. It was when he talked about his economic recovery program. He said, ''I can explain it in one word: jobs.'' When we talk about economic recovery, we have got to talk about the job-creating machines in this country called business.

What we have in front of us today, Mr. Speaker, is an economic security and worker assistance act. Because frankly, during this recession, with the complications added by September 11, the fact is that we do not have enough jobs and we have people without jobs.

We are going to hear a discussion on the floor today about the fact that we should simply allow the Senate to do our thinking for us; that whatever is the common denominator that can get out of the Senate should be what it is that we accept over here in the House.

I think one of the things that we have to focus on is the fact that the President indicated, given his program, there will be a year or two in which the budget is not in balance; but in following his program, we will return to surpluses. There is a fairly easy explanation for those who do not get it. It goes something like this: if people do not have jobs, they do not pay much in taxes. The government gets its revenue from taxes, and then we get less in than we anticipated. We went from a surplus; we are moving to a deficit. If we have a program which creates jobs, people then are paying taxes, the government's revenue goes up, and we move from a deficit to a surplus. And what we have in front of us is a program to create more jobs.

It helps those who are in need. It assists in consumer demand; $13.7 billion, as the President has outlined available for those individuals at the lower end of the economic spectrum. No one believes that they will not consume that money provided to them. That alone provides a modest economic stimulus.

We talked about a very popular provision which is included in this package encouraging businesses to buy equipment now and not tomorrow. It is called the 30 percent expensing, and it encourages decisions that may be made later to be made today, so that the economic effect occurs now and not later. That is a pretty good definition of a stimulus.

But it does more than that. When workers are unemployed, oftentimes they lose their health insurance benefits. This package addresses those who are unemployed by saying, we want to end the political football of unemployment insurance between the House and the Senate. If this becomes law, the tug of war is over, because we have provided the innovative structure which says the President's new trigger for assistance, not the statutory 5 percent unemployment rate in States, but the President's suggested 4 percent trigger should be utilized as a determiner of whether or not a State gets 13 weeks additional unemployment assistance. Every State would get the first 13 weeks. But if this becomes law, the trigger would determine whether a State would get an additional 13 weeks of assistance, based upon its unemployment rate; and then, after that 13 weeks, if the State still had high unemployment, it would trigger an additional 13 weeks and so on. We could resolve the unemployment issue for the rest of calendar year 2002 by moving this legislation.

In addition to that, I hope people have not forgotten the commitment to assist the City of New York. They took it on the chin for all Americans. In this bill is the ''liberty provision'' to assist in the rebuilding of downtown Manhattan. That is a promise that we made. This bill will be a promise that we deliver.

It seems to me that when someone decides that someone else ought to do the thinking for us, we have given up on trying to be creative and responsive. This bill is different than the one that we sent to the Senate in October; it is different than the one that we sent the Senate in December. It is different in positive ways. It helps more people, more meaningfully, and it ought to be passed.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I just have to say that I am not sure if the gentleman and I are reading from the same bill, because he talks about stimulating the economy; but as I read these tax provisions for corporations, that is not what this does. He has a provision in there that would eliminate the alternative minimum tax, not for individuals, but for corporations. As the Congressional Budget Office has said, this helps corporations from their past activities, it does not stimulate the economy.

There is a provision in there that encourages corporations to keep their earnings overseas and not invest in the United States. That costs about $13 billion or $14 billion over the next 10 years. That does nothing to stimulate the economy. In fact, it works in the opposite direction.

The tax provisions in this particular bill do very little to stimulate the economy of the United States. In fact, they are really corporate handouts as a result of a commitment made to the U.S. Chamber of Commerce last year when the chamber decided not to put corporate tax breaks on their individual tax cut bill. So what they are doing is using as a bootstrap the unemployment benefits, aid to New York in order to get these corporate tax breaks. In fact, the corporate tax breaks and the acceleration of the 28 percent rate, which helps basically the higher-income people, is about two-thirds of the $175 billion in tax cuts over the next 10 years.

The real tragedy is the Senate, the other body, passed their bill to give an additional 13 weeks' unemployment benefits to the American unemployed unanimously. Democrats and Republicans alike worked together to do this.

Think about this for a minute. There are 8 million people unemployed today; there are a million that have lost their benefits since September 11, and in the next 6 months there will be another 2 million. They are losing them at a rate of 77,000 a year. The gentleman from California, the Chair of the Committee on Ways and Means, knows that the Senate will not act on this bill. So we are basically telling the unemployed that because of politics, because they want to help their corporate friends, we are not going to be able to help the unemployed in America.

I want to conclude by making one other observation about this, Mr. Speaker. This money, this money that is being used to pay $175 billion worth of corporate tax breaks over the next 10 years comes from the payroll taxes of the average American, the waitress that serves us in the House dining room, the elevator operator that gets us up to the second floor so we can vote. These are the people that the money is coming from. The payroll taxes are paying for corporate tax cuts, mainly because we are now in a deficit. We had $5.6 trillion worth of surpluses. We have eaten them all up. It is gone. At the end of this fiscal year, we are going to have deficit spending.

So this is not a fiscal stimulus bill; this is a bill to help the corporate tax breaks of America.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Missouri (Mr. HULSHOF).

(Mr. HULSHOF asked and was given permission to revise and extend his remarks.)

Mr. HULSHOF. Mr. Speaker, I continue to be puzzled by this cowering in

the shadow of the other body. Last night we heard that we could not try to make some genuine changes to campaign finance reform because we might somehow fall out of favor with the other body. Mr. Speaker, have we relinquished our constitutional authority over to unanimous consent requests?

I think what I would like to say, first of all, is to set the record straight on the AMT, on the alternative minimum tax. This bill, just like the one in December, does not repeal the alternative minimum tax that corporations must pay. We do, however, make some crucial reforms in the AMT to maximize the impact of, for instance, the bonus depreciation investment incentives.

Let me just talk about a real-life story to the gentleman from California who says that this stimulus bill would just help corporations. Recently the St. Louis business community was sent reeling with news that Ford announced a closure of a plant in Hazelwood, Missouri. About 3,000 workers' jobs are now in peril, not to mention the surrounding community, and not to mention the surrounding businesses that depend upon those workers to stay in business.

A handful of political leaders, including the Democratic leader, journeyed to Detroit to meet with corporate headquarters to try to convince the automaker not to shut down this worthwhile plant in St. Louis. What if? And I do not have the answer to this, Mr. Speaker. It is a rhetorical question. What if we had passed this economic stimulus bill last fall? What if we had provided some real relief, this penalty and this counter-cyclical punishment of corporations that have to face this alternative minimum tax? What if we had been able to provide that economic help back last fall or even as far back as December? Would those workers, those 3,000 auto workers' jobs still be in jeopardy?

Again, I do not have the answer to that; but to me, as we debate this, inaction continues to be not an option.

Mr. Speaker, I urge passage of this bill.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, this is a very easy issue for people to understand. If we concur in the Senate amendments, we send a bill to the President today extending unemployment insurance for 13 weeks for the people who have exhausted their benefits.

Mr. Speaker, there are currently 8 million people who are unemployed looking for work in this country. If we pass the motion that is suggested by the chairman of the committee, we will get nothing done. Nothing will occur. It is the same old bill that we tried to do once before, twice before. The only thing certain is that we are going to go home for the Presidents' Day recess and it will be 2 weeks before we are really back here doing work again; and during that 2 weeks, there is going to be another 150,000 people in this country who will have exhausted their unemployment insurance benefits and cannot find employment. That is what is going to happen.

It is not about the pride of whether we accept what the Senate wants, the other body wants, or whether we have the right to add or subtract to it. That is not what is in question here. The question is whether we are going to hold the displaced workers, those who have lost their jobs, hostage to the Republican tax agenda to cut business taxes.

During the last five recessions, we have been able to work on a bipartisan basis to extend unemployment compensation benefits. We did that without holding it hostage to other agendas in this body. We should do that again.

There are more than 1 million jobless workers who have had their unemployment insurance expire since September 11. The number of workers who have exhausted their regular UI benefits is expected to be 750,000 higher in the first half of 2002 than it was in the first half of 2001. The FUTA taxes, money we have set aside, equal $40 billion for this purpose, so the money is there. Make no mistake about it, we have an option to do something today; and if we do not, the responsibility rests solely with the Republican leadership in this body.

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Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

It is amazing how swiftly someone can place blame. If, in fact, we did what the gentleman said, there would be no health insurance for displaced workers, no New York assistance, no low-income help, no small business help. It is interesting we are to blame when in December we sent the Senate unemployment and only now it is coming back.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

First of all, I do not understand why my colleagues think going home having extended unemployment 13 weeks is help. Why is it not better to go home and have extended unemployment 13 weeks, put in an automatic trigger so unemployed people cannot be held hostage by the other body if the recession lasts? Why is it not better to go home and provide health benefits for those who are unemployed? The first time in our entire history that we have ever said to the unemployed that health security is just as important as income security when you are unemployed. Why is it that Members think, and I have had Members say to me, well, the New York aid, we will do that later. Do they not understand the other body is not capable of doing it later? They would have done it if they could have done it. Why did they not add it into the extension? It is very important. What about the extenders? My colleagues have all voted for extenders many times. Do Members not care that the welfare-to-work tax credit is going to expire? Do Members not care that the work-opportunities tax credit that helps people coming off of welfare, to get employed, to stay employed, prisoners coming out of prison to get employed and stay employed, are Members not thinking that consistent predictable tax policy protects jobs, reduces the number of unemployed? The provisions in this bill, I could go on and on.

Why, after September 11, do we not want to change the carry-back of losses when we see losses all across the country in certain sector of the economy? Do Members not have any sense of fairness and responsibility? Does not the other body? Why did they send us this? Are they not thinking about people's lives? Do they not care? Do they not care about unemployment compensation, about health benefits for the unemployed, about jobs for the people coming off of welfare?

Get your minds focused. The other body is not capable of action. The only thing they will ever act on is on the extension of unemployment benefits, and it is our job to put in there the essential things, help for New York, certain extenders.

When we look at the tax provision, extension of mental health parity. After all we have talked about mental health benefits? Listen, needless to say, I am heated up. I can only say do not hide behind the alternative minimum tax. We do not even repeal it. What we do to fix it will help individuals as well as businesses.

I know the politics of Enron and the politics of alternative minimum tax. I also know every company that pays those taxes pays them when they are in a downturn and gets them back when they are in an upturn. We know that there is not one new dollar of Federal revenue either lost or gained. So do not distort that issue and hide behind it when the unemployeds' well-being is at stake, when women coming off of welfare will lose their jobs because that tax credit is gone.

I urge Members to think, put on this unemployment comp provision, exactly what we need, so that we can do that in conference and Members can help us in conference. But we cannot let the Senate say compassion and caring is just 13 weeks long.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). The Chair would remind all Members in the Chamber to avoid improper references to the Senate.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I think the basic point is if people really care they would sit down on a bipartisan basis in this House and try to work out a package. There has been zero effort to do that in this House. Zero.

I favor a stimulus package, but it should not hold up action on unemployment compensation. Five months ago the Speaker stood in this House and promised the House would act on unemployment compensation. The time to keep that promise is long overdue. And as I said, we have had no bipartisan discussions meaningfully in this House on a stimulus package.

We need to work out specific tax provisions. For example, on the acceleration of tax rates, CBO has said that the proposal in this package would generate little stimulus relative to its total revenue loss; that the stimulus is probably small. And as to the AMT, CBO has said eliminating the AMT as done here does little by itself to change the near-term incentive for businesses to invest; its bang for its buck is small. So why not sit down and work out a package on a bipartisan basis? The time has come to do both. To pass unemployment compensation relief today, and then to sit down on a bipartisan basis in the Committee on Ways and Means and work out a stimulus package. That is the way to go.

The way we are going today is a dead end for the workers of this country and for the businesses of this Nation.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Once again we have heard those words ''we eliminate alternative minimum tax.'' They just cannot get over it. It is not true and no matter how many times they say it, it will not be true. If the gentleman wants his promise kept, all he has to do is go back and read the trade adjustment assistance tax. What we did, this House passed over to the Senate a provision that said that if someone lost their job based upon September 11, they would be elevated for benefits as though it was related to trade. That promise was kept. It is a problem that Members have such short memories and it does not fit your political agenda. People who lost their jobs because of September 11 have been taken care of in a House-passed bill and the Senate has not done a dang thing about it.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a very valued member of the committee, the author of the New York Liberty Bill.

Mr. HOUGHTON. Mr. Speaker, thank the gentleman for yielding me time.

We are going to be talking at cross purposes here as we come from different bases. We have different philosophies. We have set in concrete certain impressions that we got.

I will state how I come out on this thing. I think we have three issues. First of all, the economy is still in trouble. Secondly, people need unemployment insurance, an extension of that; and, thirdly, we have a hole right in the City of New York and we have got to fill it. Now what is not clear is how we go about fixing these things. Members can say the alternative minimum tax is a boondoggle and it does not help economic recovery. But I could say it does. But the important thing is we get investment and people back to work. Now, that is a difficult situation. When times are good, we do not do anything. When times are bad, there is the point when the government has to step in. And frankly, something has to be done. And I do not know whether it will be resolved here or whether it will be resolved in conference. But something has to be done by the United States Government to try to put a little juice and a little impetus back into the economic recovery. If not, we are just going to be languishing and waiting.

Secondly, as far as up employment insurance, I do not think there is any question about it. I think we ought to do it. I do not think there is any argument on it.

As far as the Liberty Zone in New York, the only thing I can comment on there is time is of the importance there. There are a lot of people making decisions about where they will reestablish themselves, what buildings they will go into, and we have 20 million square feet that was destroyed down there. Maybe some of the head offices of the larger financial firms will stay there, but what about the support staff? Time is terribly, terribly important.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I would say to my friend from New York (Mr. HOUGHTON) if he were the chairman of this committee we would probably have a bill here we could pass. But when we have a situation where the chairman of the committee talks for about 5 minutes about this bill, tells us it will be on the floor tomorrow, we never have a hearing on it, we do not know what is in it, how could we possibly know what is in it? We must have hearings.

Now, this bill for those Members on my side who cannot figure it out, this does two things. This is a fund-raising stimulus bill. That is all it is. They do it just before they go home so they can stimulate fund-raising when they are back in the district. That is why they did it in December when they did it. But also this is a bill for PR. If we do not get this out of here in the next half hour, a lot of those press releases that have already gone out about what we have done for the unemployed will be a little bit premature.

The fact is that if Members wanted to do something about the 8 million people who are unemployed and the 11,000 per day that are going to be exhausting their unemployment insurance and the 2,000,000 that are expected to exhaust their unemployment benefits by the end of the first 6 months, Members would have accepted the Senate bill and do something about it. We all know that 62 percent of the people who are unemployed are not even covered by the unemployment insurance. If they want to make reform in unemployment insurance, we are glad to sit down and talk. But do not wrap it in this stuff and tell us that we have to eat all these fund-raising deals to get it for the unemployed. That is simply DOA. This bill is dead on arrival. It is DOA when it arrives in the other body.

Now, do they want to do something for people who are unemployed or not? It apparently has not occurred to them that if they do something twice and it has not worked, doing it a third time is not going to work. That is a sign of mental illness, that they do the same thing over and over again and expect a different result.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the committee.

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me time.

The more I hear, the better I understand that talk is cheap. I want to remind those who say that the Senate, the other body, is going to accept this as dead on arrival. I also want to remind Members of this: the majority Members of the other body support a stimulus package. It is the supermajority leader who does not and want to have an issue for the fall rather than a solution today. People who are unemployed are not so much interested in a UI check.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will kindly suspend.

I know the Chair has made this reminder before; but again, all Members are reminded not to make characterizations of Members of the other body and their motives or motivation in enacting legislation.

The gentleman may proceed.

Mr. COLLINS. Mr. Speaker, I could not understand all you said.

The SPEAKER pro tempore. It is inappropriate under the rules of the House during the course of debate for Members to make reference to or characterize the inaction or action of a Member of the other body. The Chair took the gentleman's remarks to do such.

PARLIAMENTARY INQUIRIES

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

That ruling is one that is made regardless of whether or not the statements made are factual; is that correct?

The SPEAKER pro tempore. The truth is not a defense. The remark is out of order.

Mr. THOMAS. Mr. Speaker, so the truth is not the criteria for determining that you cannot make the statements that the gentleman from Georgia (Mr. COLLINS) made?

The SPEAKER pro tempore. The rule is a matter of bicameral comity. The rules of the House prohibit those references.

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

Should parliamentary inquires be used by the majority to make political statements rather than to actually make an inquiry?

The SPEAKER pro tempore. Parliamentary inquiry may be directed to the Chair to determine where in the course of the proceedings we are currently located and also to explain rulings the Chair might have made; and that is how the Chair took the gentleman from California's (Mr. THOMAS) observations.

Mr. RANGEL. Mr. Speaker, well, whether the truth or falsity of a statement, if it is a derogatory remark made by a Member in the other body——

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The Chair will hear from the gentleman from New York (Mr. RANGEL) first.

Mr. THOMAS. Mr. Speaker, is he making a parliamentary inquiry?

The SPEAKER pro tempore. The Chair would ask for order and comity.

If the gentleman has an inquiry, the Chair's happy to hear it.

Mr. RANGEL. Mr. Speaker, my inquiry would be, are you stating the inquiry made in a parliamentary fashion by the gentleman from California (Mr. THOMAS) was not a political statement?

□ 1300

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair tries to take the inquiry propounded by any Member in the best possible light, first of all.

The Chair, second of all, understood the gentleman to ask a question, whether or not a reference to the motivation of a Member in the other body has any relevance to whether it is a true observation or not.

The Chair, taking that in the best possible light, concluded that it was an appropriate inquiry.

Mr. RANGEL. Mr. Speaker, taken in its best possible light, I agree with the Chair.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman from California (Mr. THOMAS) still have an inquiry before we go back to the gentleman from Georgia?

The gentleman from Georgia may resume.

Mr. COLLINS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. COLLINS. Mr. Speaker, is it proper procedure for me to state that, in my opinion, the statement I made was factual?

The SPEAKER pro tempore. The Chair will again indicate that it is not appropriate, and as we have learned from the inquiry by the gentleman from California (Mr. THOMAS), it is not appropriate to characterize or give characterization to action or nonaction taken in the other body or to ascribe motives to an individual Member of the other body as to why they have acted or not acted in a manner, and the Chair felt that the gentleman's comments tread upon that ground.

Mr. COLLINS. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. COLLINS. Mr. Speaker, in regards to the other body, my statement was then factual to me and to this body. I thank the Chair.

The SPEAKER pro tempore. The Chair does not consider that to be an inquiry. The gentleman may proceed on his time.

Mr. COLLINS. Mr. Speaker, as I was stating, people who are unemployed are more interested in a job even though they know when they do need some subsidy, such jobs are created again or opened back up.

Last year before the Committee on the Budget, the Chairman of the Federal Reserve was asked a question about interest rates: Do you think you've raised interest rates too quick and too high? His answer was: No. What we were trying to do was slow down the capital investments of corporations.

He succeeded because now he states what we need are capital investments of corporations, of business, and we are not talking about just large corporations. We are talking about all corporations.

We see that interest rates have been lowered to a record level in many years, but it is not working. Low interest rates are good for borrowers if someone wants to borrow or if someone wants that cheap money. I tell my colleagues who it is not good for. It is not good for those who have invested in the money market, and I guarantee my colleagues, those people will remember in November what their interest bearing is on their CD and their money market accounts.

So I would advise my colleagues to not drag this thing out again.

How does stimulus relate to the market and the economy? I have been in transportation for over 39 years. Everything at some point moves by truck. Inventories are lower, they are not being replenished because they have been moved out, and people are turning those inventories to cash.

I have seen the ups and downs of the economy. I have also heard a lot about tax credits for creating a job. In 39 years I never hired a person because of a tax credit, but I bought a lot of equipment because of tax deference. There is nothing in this bill that exempts a corporation from tax. It defers a tax so that it encourages them to invest, and it does away with the punishment clause that causes a company to prepay tax even in a year when they have a bad year. That is the alternative minimum tax, and that is how it works.

This will work. I will give my colleagues an example of a small business. Had this bill reached the President's desk in December or in October, there is a small business, I talked to the owner in Georgia, who was prepared to buy and invest a quarter of a million dollars before January 1, 2002, in equipment and plans to buy and purchase over the next 3 years $1 million a year because he has seen the ups and downs of the economy and how tax relief, tax deference has worked for the marketplace and has encouraged people in the marketplace to spend money which creates jobs.

If my colleagues really want to do something for the unemployed, they will also support this stimulus package. If my colleagues want to send a message to the other body, they will support this and have a larger number of yes votes.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, talk may be cheap, but this bill is not. In fact, it is expensive, fiscally irresponsible and unfair. This bill is unfair to our children and grandchildren because it will add billions of dollars to the already huge $6 trillion national debt that will burden them for the rest of their lives.

It is unfair to senior citizens because it takes tens of billions of dollars over the years ahead from the Social Security and Medicare Trust Funds.

It is unfair to the Army soldiers in my district who, as we speak here today, are overseas in harm's way, sacrificing for their country, while special interests walk around the halls of Congress with their hands out and special deals.

This bill is unfair to unemployed workers because it delays the extension of unemployed insurance, which we could pass today and send on to the President and help those families in the days ahead. This bill is unfair to workers, to small businesses and family farmers because while they work hard, pay their bills and pay their taxes, huge profitable corporations are saying they should not have to pay taxes.

So much for shared sacrifice. We should vote no on this bill.

Mr. THOMAS. Mr. Speaker, could I request a determination of the time remaining, please.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 14 minutes remaining. The gentleman from California (Mr. MATSUI) has 20 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader of the House of Representatives.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for yielding me the time.

Mr. Speaker, it seems every now and then we have to stop and just remind

ourselves what the debate is about here. It seems to me there is too much confusion with respect to whether or not this debate is about cutting taxes, leaving money in the coffers of the Federal Government as opposed to the hands of the American people who earned it in the first place, and whether or not it is fair and correct to deny this poor, beleaguered, suffering government more of our tax revenues.

Mr. Speaker, that is not what this debate is about. This debate is about whether or not this Government of the United States will exercise its responsibility to do everything it can to help unemployed American workers get back to work. It is about jobs. It is about opportunity. It is about a chance to stay on the job, get a promotion on the job, get a job in a thriving, growing economy; a thriving, growing economy that has been serving the American people well, and one that got locked into a bit of a cock hat first by the misguided, ill-advised case against the Microsoft company earlier last year that compressed the equity markets to the point of economic downturn, and then secondly by the attack on America on September 11.

What are we to do about that? Sit back, call upon the Federal Reserve to do all they can, and we do nothing? Or are we to join the effort to try to put America back to work?

Twice already we have tried to put an economic stimulus package through this body to the other body and to the President that is designed for the purpose of putting people back to work. Twice now, despite the fact that a majority of the Members of the other body were ready to vote to approve that package, it was stopped. That is a shame.

Finally, after having done nothing, the other body sends us a paltry, paltry, stingy, shortsighted, self-serving, insensitive 13 weeks unemployment compensation extension and then has the audacity to applaud themselves for their generosity.

Mr. Speaker, does this great government, with all its resources, all its resourcefulness, all its keen minds, we have nothing to offer an unemployed American worker except more weeks of unemployment? If that is the least we can do, let us at least be humble about it. Let us not brag about it. Let us not strut and pretend we have done something good here.

Let us understand, we failed my colleagues and Mr. and Mrs. American worker; if all we had to offer was more weeks to stay unemployed, we failed them. We do not deserve applause. We certainly do not deserve appreciation.

This House of Representatives cannot do only the least we can do for people out of a job in America. We are committing to doing the best we can do, and the best we can do is to cut taxes in a smart way to allow incentives for investment and growth in employment and jobs and opportunity. Again, for the third time, we tried to do that policy which was proven to us to be a policy that works time after time after time.

Very simple question, do my colleagues want to stand up with pride and say, Mr. and Mrs. America, we tried to put you back to work, or do my colleagues want to really go home and say, we just decided to take care of our politics in Washington, and we were content for workers to stay unemployed for another 13 weeks, and we had nothing else to offer?

Shame on us if that is all we can do. Shame on us if we have nothing in our hearts for people out of a job in America except stay out of a job for a little bit longer so that we can continue to have the money of those people who are fortunate to stay working. Shame on us if we fail them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind all Members to refrain from urging action by the Senate or characterizing Senate action or inaction.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, the chairman of the committee, the gentleman from California (Mr. THOMAS), in his opening remarks said the reason we need this bill comes with a very easy explanation. In fact, it is one word called jobs.

I will give my colleagues an easier explanation as to why we need this bill, but it is two words. It is called campaign contributions. Last year we already passed an economic stimulus bill. It totaled $1.3 trillion in tax cuts, and many of us argued that that is too much, the surplus that we thought would be there might not materialize, and lo and behold it has not. So compliments of the party of fiscal discipline, this Federal Government is now in a deficit.

After we passed this massive tax break, the bulk of which folks are not going to get, we passed a $15 billion bailout for the airlines, and we were told at that time by the Speaker and the minority leader the next bill or very shortly we are going to take care of the unemployed workers. That was months ago.

Then the House brought up a bill to bail out the insurance industry. Again, nothing done for the unemployed worker.

Today, we have an opportunity to finally take care of the unemployed worker. Pending before the House is a clean, simple Senate-passed bill that provides a 13-week extension for the unemployed worker, but the majority leader says we do more because that worker needs a job. That worker needs an extension because he wants his old job back, whether he or she has the seniority or he or she has a 401 or retirement program.

We can do today what we have not done for months. We can pass this bill and have it to the President this afternoon by passing the Senate bill. Why must we do it today? Because today Congress goes on vacation. We are going on vacation for a week, and as Members are going to be scurrying off to Andrews Air Force Base to board those beautiful Air Force jets that workers paid for, taking them to exotic places, the workers of this country get nothing, the unemployed workers get nothing.

Mr. Speaker, today we can send this valentine to the unemployed workers of America, and we are going to sign it, regards, the people's House.

□ 1315

Not the ''Special Interest House,'' not the ''Business Only House,'' this is for the unemployed workers from the ''People's House.'' That is what we can do today.

But my Republican colleagues are saying, okay, we will give this to the unemployed workers, but we have to give this valentine to our corporate business friends. Signed, Love, the Republicans.

Mr. Speaker let us not blackmail the unemployed workers of America.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

I know the gentleman has his speaking points that have been passed out, and he is trying to stay on them; but I really wish he would realize that this House, back in December, passed trade adjustment authority, which had a provision for workers who lost their jobs because of September 11. It is the Senate that has failed to deliver on providing help for those who, through no fault of their own, lost their jobs.

It is a fact. I know the gentleman does not like it, but it is true.

Mr. MATSUI. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. KLECZKA), for a grand total of 4 minutes.

Mr. KLECZKA. Mr. Speaker, it is also true that last October we passed a ''stimulus'' bill, a bill which repealed the alternative minimum tax for businesses, but made it retroactive to 1986, giving IBM one check for $1.4 billion, GM a check for $850 million, and Enron $250 million.

And my colleague wonders why the Senate did not pass his bill? The gentleman poisoned the well with that type of nonsense.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I would like to make two points, I think.

In business, when I was in business at home, if we could agree on some future course of action, we set that aside and went ahead with it; and those matters that we could not agree on what was best for our employees and ourselves we would discuss further.

I think the facts are pretty simple here. We all say we agree on unemployment benefits, so why do we not go ahead and do that? That is what reasonable people would do, I think, in

this country. Unfortunately, we get in here and get carried away with the politics of the moment. But reasonable people, I think across the country, would say we can agree on this, so let us do that today, then let us come back and talk further about what we cannot agree on.

Now, speaking personally, there are a lot of things in the package, above and beyond the unemployment provisions, that I think are pretty good public policy. What I disagree on and what the Blue Dogs have talked about forever is the fact that we continue to pile on debt after debt after debt, with no attempt to look at the 10-year budget window and figure out a way to pay for this stimulus package, so-called stimulus package. We do not even make an attempt to do so.

This package is going to put another $175 billion of debt on us. We already know we have another $1 trillion of interest coming in the next 10 years, if the projections hold. We tried to warn last year that we should not put out a 10-year package, where fully 70 percent of the expected surplus is not even going to get here for 5 years. That is not how we should run the business of this country, and it is foolish to try to say that that is going to be the case.

But beyond all that, people in this country understand borrowing money, and they understand paying interest; and this is terribly unfair what we are doing when we make no attempt to pay for it. None whatsoever. There are some things in there, as I said, that I think are good public policy, and I would like to work on and try to figure out how to accomplish them.

We have paid up to now about $140 billion this year in interest payments. That is as much as this bill costs almost for the next 5 years. That shows what kind of unbelievable, almost un-Godly thing we are doing to the next generation when we make no attempt to pay for these matters.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

My colleagues, there is a legitimate difference of opinion on what constitutes sound economic stimulus for this economy. We all support emergency help for the unemployed Americans, over a million that have exhausted their benefits. There is even widespread support for the tax extenders, such as the work opportunity tax credits. And there is even majority support in the body for the accelerated depreciation of company assets. But there is not bipartisan, bicameral support to pass massive tax cuts that benefit large corporations like Enron and the well-to-do in America, especially when those tax cuts are paid for by workers' contributions to Social Security.

These tax cuts raid the Social Security Trust Fund and deepen the deficit by $72 billion this year alone. So let us pass what we all say we agree on: help and relief for the unemployed American. And then let us come back and do the other good, reasonable work on economic stimulus. But do not hold Americans hostage while we bicker.

We toyed with Americans back in September when we passed this airline bailout bill of billions of dollars for corporations, and we were told it would help American workers. It did not. My colleagues toyed last night, the Republican leadership in this House, with campaign finance reform; but we were successful in getting it through. Even Enron toyed with its workers by making them lose all their money in their pension funds and displacing them and now having them unemployed.

It is time to stop toying with the American worker. It is time for us to do some work. There are adults who are unemployed; let us act like adults and get some work done. Unanimously the Senate said let us at least do unemployment relief for American workers. We can do the same thing. Let us be big enough to know there are differences of opinion. Let us come together and do what is right for the American worker and then come back and do what else is right for the American economy. But do not hold the American workers hostage.

I hope my colleagues will not vote for this because they think it is going to help. It is a sham and it will not work. Let us help American workers today.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend my colleague from California for putting together a great package. This is similar to the package we passed back in December.

The most important thing we can do, obviously, for the economy is to stimulate, and that is why this package is a good one. It actually has stimulation. It ought to stimulate the economy. And the notion that simply extending someone's unemployment benefits will somehow stimulate the economy is absurd. We have to get away from that.

We see the other side trot out packages, gifts, Valentines that we are supposedly sending out. I would submit that that is the problem. We take the money and will only give it back by giving it as a gift, a gift that we can bestow, our almightiness here; we can bestow a gift on the American people by giving them back some of their money. It is their money. We ought to not take so much of it. If we want to stimulate the economy, we should not.

That is why this bill is a good one, and that is why I would urge support. It is not unfair to let people keep their own money.

I urge support of the bill.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this bill is really the Republican ''Tale of Two Cities.'' The best of times for some: first-class treatment for the Kenny-boys of the world. And the worst of times for others: third-class treatment for the now unemployed Enron mail room attendant.

And it is a ''Tale of Two Cities'' in another way. The year 2001, a historically bad year for Enron in Houston, was a wonderful year for Enron here in Washington on tax policy in this House.

Let's review the year: (1) Enron successfully gets favorable treatment in that collection of subsidies and preferences called an ''energy bill.'' (2) Enron successfully supported efforts to block an international crackdown on offshore tax havens. (3) Enron's accounting firm, Arthur Andersen, successfully opposes my bill and all legislation to crack down on abusive corporate tax shelters. And (4) Enron successfully led the coalition that deals with the centerpiece of what we are debating now, the change in the alternative minimum corporate tax.

Instead of contributing a dime to the cost of the war on terrorism, Enron wanted $254 million back in a government check. That was the Republican leadership's idea—the idea of Enron's Republican allies regarding the true meaning of sacrifice—they would take while others gave.

Indeed, the Secretary of the Treasury told the Ways and Means Committee only last week that he could not find a tax break that Enron asked for last year that the administration did not attempt to give them.

If the bill before us today is approved, just like Enron, others of the most profitable, largest corporations in this country, will not contribute a dime to our national security. The Republicans are not just taking the Kenny-boy approach, but they said it was a ''New York'' bill. Well, it is. It is the Leona Helmsley approach—''Taxes are for the little people.'' That is what Republicans have been telling us all last year: ''Taxes are for the little people.''

And so is shared sacrifice. The little people out there in America, the unemployed, the people that work hard to build this country, they can share the sacrifice while the Kenny-boys will take their checks and go their own way. To add insult to injury, they are paying for all their tax breaks by redirecting Social Security payroll taxes to finance more tax breaks for those at the very top so that these rich corporations do not have to share in the cost of our national security.

How many times do my colleagues have to pass this bill? Just once. Just once, done fairly, without arrogance, done in a bipartisan way, instead of passing it at three in the morning like last time in December, or squeaking through with arm twisting on a two-vote victory in October.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2½ minutes to the

gentleman from Louisiana (Mr. MCCRERY), a valued member of the Committee on Ways and Means.

Mr. MCCRERY. Mr. Speaker, I thank the chairman for yielding me this time.

I am going to try to get through my talk here without screaming, although it is difficult in the atmosphere that has been created here. It is an atmosphere all too often of hyperbole and even demagoguery, and I think it is time that those who might be listening to this debate are given some facts without hyperbole and certainly without demagoguery.

This package that we are going to pass today to try to stimulate the economy, to generate economic growth, to create jobs, to get people back to work consists of about $150 billion over 10 years. The fact is that about two-thirds of this package, two-thirds of it, about $100 billion, are either tax cuts or benefits for not big corporations, not business, but individuals: workers, the unemployed. Two-thirds, $100 billion of the package, goes to individuals. One-third, about $50 billion, goes to corporations and other businesses, partnerships, sole proprietorships, small businesses and the like.

Those are the facts. Despite all the yelling, the screaming, the demagoguery and the finger-pointing, those are the facts.

Unemployment insurance. We go further than the Senate did in their package. We not only provide an additional 13 weeks of unemployment benefits to the 26 weeks that are already in place under the law for the unemployed, but we use an idea that came from President Bush in his budget this year to say we are going to lower the required trigger for extended benefits to 4 percent of the uninsured rate for any State.

It does not have to be nationwide, like the current law; any State that exceeds the 4 percent unemployment insured rate automatically gets extended benefits. That is in our bill. It is not in the Senate bill. So we are trying to do more for the unemployed and their unemployment benefits.

□ 1330

Mr. Speaker, let me point out quickly, nobody in this bill or any other bill is raiding the Social Security trust fund, which has been said erroneously by more than one Member today. Yes, we are using surpluses generated by the payroll tax to pay for other things in government, but nobody is raiding the trust fund. Every penny that is supposed to be going into the Social Security trust fund is going, and will continue to go.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, this bill is dripping and glowing red, not the red of compassion of Valentine's Day, but the red of deficits and the red ink that is not paid for and will cost taxpayers across the country.

This will cost taxpayers $180 billion over 5 years, and the Bush budget has an $80 billion shortfall.

I voted for a tax cut that puts money in workers' pockets last July. I would vote for a bipartisan package of depreciation allowance and unemployment benefits for our workers today. But this bill has things in it such as subpart F. Does that help our workers? No, that is for banks and insurance companies who operate overseas. If they put it here domestically, they lose the benefit. How is that a stimulus?

Mr. Speaker, we have passed bipartisan education reform. We have passed bipartisan campaign finance reform. Let us work together with a bipartisan stimulus that helps our workers and helps our economy.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, leadership, that is what this country wants. Leadership. Millions of Americans have lost their jobs from KMart to Ford Motor Company, and everything in between across the country. Here we sit as 435 and 535 of the most powerful people in the world and cannot come together on a package that would stimulate the economy, save families, give hope to our children, and protect the seniors who built this country.

Leadership, Mr. Speaker, that is what this country needs. If we can give $100 billion to the terrorism debacle that we find ourselves in, over $50 billion for the airline industry, over $35 billion to the insurance industry, can we not find the dollars that families in America needs to take care of their children, the people who played by the rules, raised their children, did everything we said they should do?

I am appalled by this Congress, as we sit here today, the richest country in the world, which was in recession before September 11, and then the tragedy of September 11, and cannot come together as leaders. Come on, men, 56 women, let us do what is right. Let us come together. The Senate passed the unemployment benefit insurance extension. Rise up and build, America is at stake.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I encourage my colleague from Louisiana, my neighboring State, to look at these numbers. This is from published Treasury reports. The gentleman said this money comes out of payroll taxes. That is right. Most of the folks I represent pay more in Social Security taxes than they do in income taxes. We would raid the Social Security trust fund to pay for this.

Right now we owe the Social Security trust fund $1.230 trillion unfunded liability. That is nothing but an IOU. Members profess to be for the military. We owe the military trust fund $171 billion right now unfunded liability. That is money that was taken, set aside allegedly to pay their retirement. It is gone, just like that Social Security money.

We owe the civil servants, the Border Patrol folks, $534 billion.

How can Members come to this floor and say there is a surplus when we have increased the debt, mostly through tax breaks and a downturn in the economy, by $221,158,156,000 in the past 12 months? What is the benefit of this versus the cost, because I know the cost is that we never repay those people whose Social Security taxes we have robbed, whose Civil Service retirement we have robbed, whose military retirement we have robbed, and whose Medicare we have robbed.

Mr. Speaker, I do not think that it adds up. The gentleman from California (Mr. THOMAS) gave us some bad numbers last year when the gentleman said we had surpluses as far as the eye can see. I am giving Members the facts right now.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I keep hearing that the third time is a charm. This was a bad bill the first time; it is a bad bill the second time; and it is a bad bill the third time. The American people are not going to be charmed about this bill, even on Valentine's Day. They do not want candy. They want jobs and benefits.

In Cleveland, Ohio, we just lost 3,000 jobs from LTV Steel because of overcapacity of steel in our Nation, and we lost it because this government did not come up with a steel stimulus package that would allow the steel industry to benefit.

We lost 1,000 jobs with TRW, and another 3,000 jobs with Ford. I came through the airport the other day. Something I had on buzzed, and I looked up and I was being wanded by a former LTV worker who said to me, Congresswoman, we are here working in the airport because we no longer have jobs at LTV.

I suggest this morning that the problem we have is that this is not a bill that will help unemployed workers, nor do we have a budget that is going to help unemployed workers. If we were going to help them, we would not have reduced Pell grants, reduced dollars to elementary and secondary education. If we were going to help them, we would not have reduced dollars for job training programs. If we were going to help the unemployed workers, we would not

have reduced dollars for affordable urban and rural housing.

Mr. Speaker, I suggest we need to come together and sit down and stop playing with the unemployed, but help them.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, as it has been said before, this is the same song in the third verse. I respect my colleagues on the other side of the aisle, but they are wrong in this third effort. In fact, there is a country western song called, ''What Part of No Don't You Understand?'' ''No'' to the AMT tax cuts, ''no'' to the other tax cuts that will not help the economy.

I am surprised that my Republican colleagues insist on making the thousands of unemployed Americans continue to suffer. We could pass the bill that passed the Senate last week, an additional 13 weeks, by unanimous consent today; but no, Members want to add to this Christmas tree because they want to send it to the Senate one more time so it can die like the last two. Members are using this like a political weapon instead of being concerned about the American people.

Like most of our Nation, I have constituents who are unemployed, in my own town of Houston, just the Enron employees who have lost their jobs because of mismanagement and corruption. My constituents need this extension now. The idea of just playing with it like we are doing here is outrageous to the people who need this help.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I have an overwhelming sense of deja vu. This is the third time the House has taken up a bill to help workers and boost the economic recovery. Some of my colleagues in the opposition prefer platitudes and promises instead of action. They would rather talk about helping the unemployed and promoting economic growth rather than putting together a workable plan. Their motto ought to be ''Just say no.''

Mr. Speaker, with all due respect, wishing for a stronger economy will not make it so. Congress needs to act. Our constituents might justifiably wonder why we are voting on this bill a third time. They ought to know that 2 months ago the House passed a generous, fair-minded bill that provided $37 billion in unemployment coverage, health coverage for the unemployed, tax incentives for businesses, and tax relief for the middle-income families. But the other body objected. Why? We just recently heard it from the gentleman from California, because they said that tax relief would help the rich.

What does that mean? The rich like the schoolteacher who lives in my district who makes $30,000 a year and cannot afford housing in her own district and drives an hour to get to work? She is in the 27 percent bracket; they do not want to lower it. Is she one of the rich they are referring to?

The other body also objects to our health care provisions. Why? They did not agree with the way that we cover the unemployed. They would like to help the folks who work only for big business. They do not want to help the employees in small businesses who do not have access to health care coverage when they are laid off.

Mr. Speaker, these arguments are lost on the American public. In my part of the Nation, we have not yet felt the full impact of the 30,000 Boeing workers who expect to be laid off, and yet unemployment in Washington State is over 7 percent, number 2 in the Nation and climbing.

This bill would provide additional unemployment to the 13 weeks we already provide in this bill because my State of Washington qualifies under that 4 percent unemployment rate. We are at 7.1 percent. Further delay is unacceptable.

Mr. Speaker, I urge Members to act now. Let us get this bill passed and over to the Senate. Let us get the job done so we can get help to our folks at home.

Mr. THOMAS. Mr. Speaker, I yield the balance my time to the gentleman from Ohio (Mr. PORTMAN), and ask unanimous consent that he control the balance of the time.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 622 for the 187,000 that are losing their jobs, and the Enron employees in my district that are desperately in trouble because of the Enron collapse.

I rise in strong opposition to this ''economic stimulus package'' because it is a deviation from the bipartisan precedents set in recent months by Congress, and represents misguided priorities.

Today's consideration of a motion to concur in the Senate amendments with an amendment to H.R. 622—Hope for Children Act allows for a raid on the bipartisan 13 week extension of worker unemployment compensation passed by the Senate.

The Senate package, which passed by a unanimous vote, provides a 13-week extension of unemployment benefits for people whose regular benefits have been exhausted. This represents real and responsible stimulus for those who need it most. This is crucial because it is estimated that 2 million working Americans will exhaust their regular benefits in the first 6 months of this year. In fact, very few of them are now currently eligible for an extension of those benefits to ensure they have income to replace their lost wages while they are seeking either reemployment or new employment.

Instead, this bill substitutes that compromise with a highly partisan Republican bill that excludes the Minority from this process, raids the Social Security and Medicare trust fund, and sacrifices American workers in need.

Substantively, this bill precludes the Minority from offering a substitute, any amendments, or a motion to recommit, which effectively eviscerates the fragile bipartisan compromise reached in the Senate. But the American people must be told the trust about this travesty of process.

I, along with my Democratic colleagues in Congress, have stood shoulder-to-shoulder and toe-to-toe with the President in the war against terrorism. We have been steadfast in our bipartisan support. As a result we've strengthened our security and protected America from future attacks. But for the state of our union to truly be sound, we must stand together today for a real economic stimulus package that helps all Americans. Sadly, the bill before us puts partisanship and the special interests above the millions of workers affected by the recession. As a member of Congress from Houston which has been so severely hit by recent events, I take particular exception to this.

Today, I urge Congress to take up a real economic stimulus and worker relief package that will help the 5,000 ex-Enron employees in and around Houston who have lost their jobs and their hard-earned pensions. Today, I urge Congress to take up real economic stimulus and worker relief package that helps the 89,000 American manufacturing workers who lost their jobs last month; the 54,000 American construction workers who lost their jobs last month; the 100,000 airlines workers who have lost their jobs since September 11, 12,000 of which were from Continental Airlines alone; the 192,000 American service industry employees who lost their jobs in the fourth quarter; the 211,000 American transportation and public utilities workers who lost their jobs over the past seven months; and the 1.4 million Americans who lost their jobs since last March.

Mr. Speaker, America needs a temporary plan that stimulates the economy by focusing on unemployment and the 2,496,784 initial claimants reported by the Bureau of Labor Statistics in December 2001. In Texas alone, the number of unemployed was 539,947, or 5.1 percent in December 2001. Clearly, these numbers are far higher today. The bill before us fails to give the relief that is needed. The bill before us is not temporary. It does not target relief to businesses hurt by the recession; it enacts tax reductions for the wealthy and corporations, and does very little to help middle income workers whose extra spending would serve to stimulate the economy. In fact, the bill before us repeals the corporate minimum tax which ensures that corporations can not use tax shelters and loopholes to avoid taxes. Furthermore, it accelerates a cut in the 28 percent tax bracket even though 75 percent of American households would receive no benefit from this cut because they do not have enough income to be in this tax bracket.

Perhaps most disturbingly, all of the costs of the bill are paid out of Social Security and Medicare surpluses. Clearly, permanent and expensive tax cuts like those included in this package will increase the deficit and risk increasing long-term interest rates.

Mr. Speaker, America needs a stand-alone worker relief bill that helps the 1 million U.S.

employees who have just lost their unemployment, and the 2 million who will lose their benefits by the end of 2002.

In my State of Texas I called and worked with the Department of Labor to set up a rapid response team to help displaced workers find the jobs that they need. But much more needs to be done. Last night I had an amendment that would have extended unemployment benefits for 1 year. That would have gone a long way toward helping Americans and stimulating the economy. Today, I urge an up or down vote on an economic stimulus package that is responsible and targets unemployed workers only.

Mr. MATSUI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, we have many unemployed persons in my district. In North Carolina alone we have 28,000 people who have exhausted their insurance already. We have experienced an increase of 105 percent in unemployment. We need to stop the bickering, stop the shenanigans between the two Chambers of Congress and do something for the millions of Americans who need our help.

Mr. Speaker, after 8 years of economic prosperity, and budget surpluses, the nation's economy is spiraling downward. Consumer confidence is declining, unemployment is rising, and deficit spending is returning.

Today, we are considering a bill that would extend for 13 weeks unemployment benefits for displaced workers. During the past year, more than 1.5 million jobs were lost. Many unemployed persons have exhausted their unemployment benefits.

In my State, North Carolina, more than 28,000 people have exhausted their unemployment benefits, and we have experienced an increase of 105 percent in unemployment. Others were not eligible for unemployment compensation or health care benefits because they worked for short periods of time, or in temporary or part-time jobs.

A national economic stimulus package must provide additional relief for unemployed workers. Helping unemployed workers is the first thing to do and it is the smart policy to address the economic slowdown. This certainly is more effective than more huge tax cuts for large corporations and wealthy individuals. Unfortunately, this $81 billion bill only provides about $10 billion in benefits for workers and their families. Most of the relief provided would benefit wealthy individuals and large corporations. Most economists agree that in a recession, we should increase consumer confidence and their ability to purchase necessary goods and services. Unemployed workers lack such confidence and purchasing capacity.

Simply paying money to state governments for unemployment compensation programs without requiring some adjustments in program administration would not be wise. Many states, like the Federal Government, are financially distressed. They cannot afford to match federal contributions, to expand coverage periods beyond 26 weeks, or to increase categories of eligible workers such as part-time workers. The current crisis calls for these changes plus adjusting the federal/state match from 50/50 to a larger federal share, perhaps 75/25. Expanding unemployment compensation benefits offers another advantage—it provides economic stimulus when it is needed without causing damage to the long-term economic condition of the country.

Congress has passed bills to help airlines, insurance companies, and big businesses. It should pass a meaningful economic stimulus bill to help families of displaced workers. The Republican leadership of the House should rise above partisan posturing and bickering with the Senate and simply pass provide unemployment insurance and health benefits now for those millions of Americans who desperately need them.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

□ 1345

Mr. NEAL of Massachusetts. Mr. Speaker, today I am reminded of the disappointment that Charlie Brown feels on Valentine's Day when that cute little redhead did not give him a valentine. Many of us had great hopes that we could simply take up relief for unemployed workers, a bill which passed the Senate unanimously last week; but just like Charlie Brown, we keep checking the mailbox and unfortunately come away again filled with disappointment.

The Republican bill today is composed mainly of some old, worn-out tax items that have been around for a long time. It reflects the tired philosophy of trickle-down economics, take care of the large and powerful corporations and eventually the rest will trickle down to us. But it is wrong to hold this bill hostage to temporary tax relief for the unemployed who, but for the sake of this debate, will find themselves on the outside looking in again for a few more weeks.

The disappointment I feel today is not in the same league with the disappointment that many hard-working Americans are going to feel, however. By slapping on a $150 billion tax cut in the dead of night, the leadership has ensured that this bill will not reach the President's desk this weekend. Two million Americans are approaching or already have exhausted their unemployment benefits and cannot be assured that any relief is in sight. That disappointment is one that I hoped the Congress would not be delivering on this Valentine's Day.

Reject the bill in front of us. Let us go back to work. Pass a simple, clean extension of benefits for the unemployed and their families who depend upon them and today who depend upon us.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATKINS), a valued member of the Committee on Ways and Means.

(Mr. WATKINS of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, I rise in support of this bill. Let me say, as my colleague from Louisiana said, two-thirds of it goes to individuals. Let no mistake be made about that. Another third goes to business and industry that produces jobs.

Let me say, I am flabbergasted at a lot of the folks who get up and say it does not help other people, only the big corporations. Let me tell you who it helps, also. The suspension of net income limitation helps support those hundreds of thousands of small stripper wells in Texas, the roughnecks out there, the oil patch workers who are losing their jobs. I am amazed that many of them did not know that over on this side.

But let me tell you also who it hurts. My heart goes out to those people who say they lost a job. I will do everything to build jobs, let me tell you; but I am here also trying to help those who have never had a job, many of them Native Americans. Native Americans would be helped by this bill. They will be able to have possible manufacturing jobs and many of the others developed with accelerated depreciation on their lands. We need to be helping those folks, also.

Let me assure you, this bill does more than help the big industries. I resent the fact that you state that you are doing it for political purposes, because I do not plan to come back.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, at the end of the day this afternoon, we are faced with a fundamental question. Implicit in the criticism from our friends in the minority is the notion that there is only one course of action here and that is 13 weeks' unemployment and that is it. What we do here is improve the legislation, not only 13 weeks' unemployment but an economic trigger for those States that are having challenges.

Moreover, provisions for health benefits. Recall our friend from Kansas brought a letter down a little while ago from the President asking not only for unemployment benefits but for health benefits. It is our role in the Congress of the United States to take legislation from the other body and improve it and we do so.

And there is something else that is important. This bill also provides tax relief that fires the engines of economic opportunity. We passed it once. We have passed it a second time. On this third occasion, we give the other body the opportunity to join us in an effective plan to put people back to work and to provide for those who have lost their jobs.

I ask my colleagues to support the measure.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a valued member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding time.

Mr. Speaker, this debate today has been rather unfortunate. We have heard a lot of emotions, a lot of fear, a lot of envy. What we are trying to accomplish is simply this: let us take stock in what our Nation is facing right now. We are in the midst of a war, we have a homeland security crisis, and we are in recession. We have a lot of laid-off workers and more layoffs are occurring. And we know as a historical fact that even if our economy begins to slowly recover, that unemployment is going to linger on and on and on well after that recovery takes place.

What we have been trying to do, starting in October, then in December and now, is to try and get people back to work. The things we are trying to pass in this bill are the time-tested, proven, bipartisan solutions to get businesses to stop laying off people, to hire people back, and to help those people who have lost their jobs.

It is more than just giving someone an unemployment check. It is also helping those people with their health insurance while they have lost their jobs, and, more important than just that unemployment check is to do what we can to give people a paycheck. We have got to get the engine of economic growth growing again, because we now know because of recession, we do not have the revenues we wanted to, we do not have the revenues we need to fix Medicare, to fix Social Security, to fix these issues. We have got to get Americans back to work, then the surpluses come back, then the jobs come back. That is the constructive answer we are trying to accomplish here on, yes, a bipartisan basis.

I urge Members to drop the demagoguery and to pass this bill to help us work together to get the American people back to work and help those people who have lost their jobs.

Mr. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we can handle this very logically and expeditiously. I think the gentleman from New York (Mr. HOUGHTON) mentioned that there are three issues here: Obviously, how we deal with the New York problem; how we deal with the unemployment benefit; and how we stimulate the economy. We agree on the first two. We should just pass a bill right now that would take care of New York's problem. We could do it and send it over to the other body. They will pass it. We can actually take care of that issue. That is simple. No one is going to object to that.

Unemployment benefits. In terms of the discussion that went on today, no Member in that 1 hour of debate has said that they do not want to give unemployed benefits to the 8 million unemployed Americans. Why not just take the other body's bill and just agree to it? We could do that by unanimous consent, vote it on the suspension calendar.

We do have a difference, because the other side wants to give corporate tax cuts; and we think that in order to deal with the economy and stimulate it, we have to create more consumer demand. There is a big difference there. Obviously, we do not agree. We should not hold New York and we should not hold the unemployed hostage. We should pass those and then let us debate. Let us see if we can come up with a bipartisan proposal on how we stimulate the economy through either tax cuts for major corporations or how we try to create more consumer demand.

I hope that we vote ''no'' on this motion.

Mr. PORTMAN. Mr. Speaker, I yield the balance of my time to the distinguished Speaker of the House, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, to my colleagues on this side of the Chamber, and to my colleagues on this side of the Chamber, I first want to say that yesterday was an incredible day. It was an incredible debate. Reformers came to this Chamber. They changed some of the rules on how we do things, how we elect our officials. This House worked its will. That is the way it should be.

But now we need to look at other needs. We need to look at the needs of the American people. We are in recession. We are in a war. We are in a time of terrorist threat within this country, within our own Nation as well as around the world.

In October, we passed an unemployment compensation extension. In December, we passed a stimulus package. We knew that people were out of work. We knew that people were losing jobs.

What we tried to do during this time frame was to do three simple things. Number one, because every American family who had some substantive savings, wealth in 401(k)s and the stock market, to get the confidence back in the stock markets, to get the confidence back in people putting money in those securities. This bill helps do that.

We also said that we needed to be able to get some consumer confidence. When you talk about the Fortune 500 companies, they said we need people with money out there to start buying our products. This bill does it. It puts money in people's pockets right away.

Finally, there are people out there who lost their jobs. They need unemployment compensation. They need health care. It is in this bill. But they also, more than that unemployment compensation check, they would like to have a job. And so you need to concentrate that capital where companies are putting that money back into creating jobs, building buildings, buying machinery, putting money in new ideas. This bill does it.

I heard the previous speaker say, ''Don't hold these people hostage. Don't hold New York hostage.'' We are not. We take care of New York in this bill. We are not holding the unemployed hostage. We take care of them in this bill just as we have done two times previous. But, ladies and gentlemen, let us not hold America hostage. Let us get this legislation done. Let us give people confidence in the markets. Let us give people confidence that they are going to get a paycheck. Let us give them the confidence that they can have a job so that they can pay their house payment and their car payment.

It is time to get this job done. It is time to quit playing political games. It is time to get a stimulus package for the people of the United States. Vote for this motion.

Mr. PASTOR. Mr. Speaker, I rise in strong opposition to this misguided attempt to stimulate our economy.

Today, the House of Representatives leadership is lining unemployed Americans against a wall for another St. Valentine's Day Massacre.

While pretending to pass an economic stimulus package, they are holding the unemployed hostage in hopes of passing larger tax breaks for wealthy individuals and large corporations.

The Senate has passed legislation to extend Unemployment Compensation for the 1 million people who have exhausted their unemployment benefits since September 11. Yet, the House leadership has chosen to ignore the plight of these people, and the more than 2 million workers who will exhaust their benefits over the next 6 months, and attach a misguided ''economic stimulus'' package to the bill that will do nothing to stimulate the economy. I call on the House leadership to consider the clean bill passed by the Senate so we can help the 8 million people in America who are looking for jobs.

According to sources, 11,000 people are exhausting their Unemployment Compensation each and every day. With Congressional District Work Period starting today, more than 120,000 Americans will have lost their benefits by the time we return to Washington on February 26. We should stop playing partisan politics with these people's lives.

But, there are other serious problems with this ''stimulus package.'' Any more tax cuts would continue to erode the Social Security and Medicare Trust Fund by almost $80 billion. It is time to stop threatening our elderly just to make the 15 percent of wealthiest Americans even wealthier.

Valentine's Day is a time for us to open our hearts and to give of ourselves. But this legislation will only serve to break the hearts of those unemployed Americans who need our help.

Mr. MALONEY of Connecticut. Mr. Speaker, for the third time in 4 months, the House of Representatives will consider a deeply flawed economic stimulus package.

In January 2001, the nonpartisan Congressional Budget Office projected that the Federal Government would end fiscal year 2002 with a $106 billion surplus. At that time, I advocated a fiscally responsible plan of equally dividing the surplus between tax cuts, paying down our Nation's debt, and investing in important priorities like education and health care. Unfortunately, in June legislation was passed—over my strong objections—that cut taxes more than we could afford. I have long supported tax relief, but it must be in balance with what we can afford in our budget. We are now facing large, multiyear budget deficits that threaten our long-term economic security.

Any stimulus bill must be fiscally responsible and provide assistance to families and small businesses experiencing the effects of the recession. The bill we are considering today, as did the previous versions, includes provisions that I strongly support, but these positive elements cannot make up for its fundamental flaws. Those positive elements, include providing a supplemental rebate to those who received only a partial or no rebate as a result of last spring's tax cut, providing small businesses a bonus depreciation of 30 percent over 3 years, and reducing the recovery period for making improvements to leased properties. Additionally, I support a permanent rate cut for low- and moderate-income earners.

In addition, I strongly support extending unemployment benefits to the approximately 2 million Americans who have lost their jobs as a result of the recession and the September 11 attacks. In the middle of March, those individuals and families who have lost their jobs because of the attacks of September 11 will begin losing their unemployment benefits. We also need to include provisions that assist families in continuing their health care coverage. We must pass a bill that provides substantial relief to those families, and will get to the President's desk. Unfortunately, this bill does not provide that help.

Moreover, this bill virtually eliminates the Alternative Minimum Tax (AMT) liability for the Nation's largest and wealthiest corporations. The AMT is designed to ensure that corporations cannot avoid paying their fair share using deductions to entirely eliminate all or almost all of their tax liability. The bill before us today would allow corporations to claim deductions against their AMT liability that they currently are not allowed to take. This will provide little, if any, stimulus to the economy, but will certainly exacerbate the budget difficulties we now face. Worse yet, the bill pays for this corporate AMT tax giveaway by taking the funds from the Social Security and Medicare Trust Funds.

In this time of budget deficits we cannot and must not continue to raid the Social Security and Medicare Trust Funds to pay for tax cuts for wealthy corporations. Over the past few weeks, many have spoken of protecting our Nation's economic security. I suggest that passing legislation that threatens the Social Security and Medicare Trust Funds threatens the very foundation of our economic security.

Mr. Speaker, I urge my colleagues to pass a bill that provides fiscally responsible stimulus to our economy and relief to displaced workers. Unfortunately, the bill before us today will both further extend the deficits we are facing and also deplete the Social Security and Medicare Trust Funds. Long-term economic security depends on long-term fiscal responsibility. We owe our citizens a bill that provides a short-term stimulus, substantial assistance to the unemployed, and ensures long-term growth. The bill before us today fails to meet all three of these standards.

Mrs. WILSON. Mr. Speaker, I rise today to talk about the state of the economy and jobs. In June, July, and August when we passed the first stimulus bill, we were all hoping that if we dipped into recession at all that we would have a soft landing. September 11 changed all that. When we saw those planes crash into the towers in New York and the planes crash in Pennsylvania and here in Washington, DC, we saw and felt a shudder through the American economy.

It was not only travel and tourism that was hurt, but also consumer confidence. For 5 consecutive months after September 11, consumer confidence fell. But we are coming back. Consumer confidence rose for the second consecutive month in 2002, and we need to encourage this growth by passing an economic security bill.

In October, the President called for a stimulus package and the House of Representatives responded. We passed a second one in December. We are now working on our third. The other body will not even let a vote be taken on the issue. The economic stimulus bills in the House are not perfect. There are things about them I did not like as an individual legislator. There is almost no bill here that everybody can say, ''By gosh, that's something that I can support a hundred percent. There's not a work that I would change.'' It is not the nature of this body, but we moved the bills forward. We moved the process along for a good reason.

Since September 11, over 1 million Americans have lost their jobs. We have over 1 million families who are worried about where the next paycheck will come from. All of those families are worried about their health insurance. What if they do not get another job before that COBRA runs out? What happens if the unemployment benefits run out? What happens if we do not get back to growing jobs in this country? Those families are hurting and we need to help them. Last year we passed an economic stimulus bill in the House that provided 13 weeks of extended benefits to those who have lost their jobs, and today we will again pass another stimulus bill with that exact same measure.

What do we want to see in an economic stimulus bill? Certainly first and foremost, we need to create capital to create jobs. Most of the jobs created in this country are created by small business. That means we have to include provisions like accelerated depreciation in the stimulus bill. As a former small business owner I was always amazed when I did my books at the end of the year, figuring out what my profit or loss was and how much corporate tax I had to pay. One year I bought new computers for my entire office, costing me about $20,000 to $30,000 for the new computer system. Under section 179, I was only able to claim $10,000, even though I paid that business expense., That did not seem right, or fair and it certainly discouraged me from getting $35,000 worth of computers at one time. Certainly one of the things we need to do for small business is to raise those limits so that a small business looking at buying equipment, going and doing some construction, or expanding their computer setup, can do so. This will stimulate our economy and create jobs.

The second thing we are going to need to do is extend health care benefits and unemployment benefits so that people who have lost their jobs due to the slowdown in the economy can make it through. All of us know neighbors who are worried about losing their job sometime this year and all of us are willing to say, ''Look, we're going to help you over the hump. We're going to make sure that this awful time for you is not made worse because you can't feed your family or that you lost your health insurance.'' So, we must have health care coverage and unemployment insurance extenders in any economic stimulus bill.

The third thing our economic stimulus bill has to do is restore consumer confidence. About two-thirds of the American economy comes from consumer spending. We need to continue to restore confidence in the public so that we do not have a further collapse in retail sales. We have to restore faith in consumers and in the markets. If you talk to people about their retirement plans, most Americans now have 401(k)s or IRAs or pension plans. We are now investors in the stock market. One hundred million Americans own stocks, mostly in IRAs and 401(k)s, pension plans through work of Thrift Savings accounts. All of us have seen the value of our retirement savings go way down because of the economic slowdown. We need to reestablish confidence in the stock market, turn our economy around, and get back to creating jobs.

Ms. SCHAKOWSKY. Mr. Speaker, I rise to express my deep disappointment in the bill before us today.

Today, we had the opportunity to follow the lead of the Senate by passing a 13-week extension for Americans who have been unable to find work but whose unemployment benefits have run out. I have received many, many letters from constituents who are concerned about losing their homes, paying for their health bills, and buying food for their children. Today, we had the opportunity to help them by passing the Senate provision and sending it to the President's desk. Instead, the Republican leadership chose to play politics with the lives of unemployed persons and their families, once again putting forth a bill that they know cannot be enacted into law.

In the last quarter of 2001, nearly 860,000 unemployed men and women exhausted their unemployment benefits. In December alone unemployment benefits ran out for 300,000 workers. In my State of Illinois, 42,299 workers exhausted their benefits in the last 3 months of last year—an increase of 88 percent from the previous year. Faced with serious fiscal pressures, no state has stepped forward to extend assistance as they have in the past. Hundreds of thousands of Americans are now struggling to pay their bills as they look for work in the middle of a recession.

I believe that we need a real economic stimulus plan and that we can do a great deal more than we're doing to create jobs and prevent additional layoffs. We should be providing assistance to States, funding the construction and repair of housing and schools, expanding transportation options, and investing in clean water projects. We should be assisting laid-off workers and their families and obtaining affordable health coverage through COBRA and Medicaid.

My colleagues on the other side of the aisle don't agree with those job stimulus proposals. They would rather give money to the wealthy and mega-corporations than invest in targeted and proven job creation initiatives. They would rather provide unemployed men and women with an insufficient tax voucher than guarantee health coverage through Medicaid.

We disagree on those questions and it will take time to resolve them. In the meantime, we should take a simple action today. We should pass a 13-week benefits extension that will provide immediate relief to over 1 million workers.

We could take that step. Sadly for this institution and tragically for those workers, the House leadership has decided it would rather make a political point than make a difference in people's lives.

Mr. SMITH of New Jersey. Mr. Speaker, it is with great pride and pleasure that I rise to urge the enactment of H.R. 622, The Economic Security and Worker Assistance Act of 2002, also known as the Hope for Children Act.

I cannot overemphasize how proud I am to be an original cosponsor of the Hope for Children Act. Mr. DEMINT deserves our thanks and praise for his work on this bill.

Mr. Speaker, throughout my 21 years in Congress, I have worked tirelessly with a broad, bipartisan group of colleagues, to protect children. Encouraging adoption has been among our primary concerns. Along those ends, I have introduced my own legislation that designated National Adoption Week, and I worked to help establish the current $5,000 tax credit for adopting parents. The $5,000 tax credit, which was incorporated into the ''Contract with America,'' passed by Congress, and later signed into law, is helping many families that have adopted a child.

But there is still so much to be done. There are so many children that need to be adopted. There are so many infertile couples who desperately want to raise children. This legislation today is needed. H.R. 622 seeks to double the adoption tax credit to $10,000 for all adoptions and double the employer adoption assistance exclusion to $10,000. The legislation also increases the income cap at which the credit begins to phase out from $75,000 to $150,000.

The fact of the matter is that adoptions are very costly, ranging from $8,000 to $30,000 per year. There are many families who would like to open their home to a child, but are prevented or delayed on doing so by the high cost of adoption. H.R. 622 helps to ease this financial burden to ensure that children quickly find a permanent, loving home—so that no child is left behind to end up in the foster care system permanently.

The empirical evidence shows conclusively that the tax credit must be increased. Just take a look at the tax return data. According to the Committee report accompanying this bill, half of the taxpayers who received income tax benefits for adoption expenses in 1998 reported expenses in excess of $5,000, while 25 percent of taxpayers receiving tax benefits for adoption reported expenses totaling more than $10,000.

It is important to note that the $5,000 tax credit expires this year and the current $5,000 employer adoption assistance exclusion also expires—it is vital that we enact this important legislation to help defray these costs.

The Hope for Children Act is a solid start to ensuring that more children find a loving home. While some adoptions will cost well over $10,000—the data suggests that as many as 25 percent of all adoptions fall into this category—raising the limit will aid more families in their efforts to adopt a child in need. If the President signs the Hope for Children Act into law this year, families could claim the $10,000 tax credit beginning with their 2003 tax returns.

One final note. Virtually every well-conducted social research study that has examined the impact of adoption on a child concludes that adoption is far more preferable than state custody. The adoption of a child into a traditional two-parent, man and woman family, has profoundly positive social consequences for both the child, as well as for our society. A recent Heritage Foundation analysis of the adoption research literature shows that adopted children raised in a two-parent family, measure as well as, if not better than, a biological child on virtually every social, educational, and health indicator assessed.

The route by which the Hope for Children Act has arrived here in the House again deserves some discussion. On May 17, 2001, this bill was agreed to by a vote of 420–0. On February 6, 2002, the Senate passed the measure with an amendment to add tax relief and economic stimulus language. Today we are adding some additional tax relief provisions, so that unemployment insurance benefits will be extended to all displaced workers regardless of how their job losses occurred.

New Jersey's economy was hit very hard by terrorism. First we lost approximately 700 New Jerseyans on September 11, including nearly 50 from my own Fourth District. In addition to the unbearable loss of life, there were tens of thousands of jobs held by people from New Jersey that disappeared into the great cloud of fire, smoke, and ash of the collapsing Twin Towers. Entire businesses and departments were wiped out in an instant.

Before the shock waves of September 11, had even faded, New Jersey was plunged into another unprecedented crisis, as the first major biological weapons attack in U.S. history took place on New Jersey soil. Our mail system ground to a halt. Items frozen in the mail included everything from an engagement ring to credit card bills. Thousands of lives were turned upside down. Another wave of jobs were lost. To this day, the John K. Rafferty Post Office in Hamilton has not reopened, and hundreds of postal workers who work there are now scattered all over the state in makeshift accommodations.

Mr. Speaker, New Jersey's residents need a helping hand. We need this stimulus package. People are hurting. I think the Senate should move promptly and pass H.R. 622. It is time to put the interests of the American people ahead of partisan calculations.

Mr. Speaker, I urge the unanimous passage of the Hope for Children Act.

Ms. KILPATRICK. Mr. Speaker, once again, the Republicans are attempting to shove forward several tax provisions for the wealthy and big businesses without adequate consideration for the unemployed and low-income.

This is the third time in five months that an economic stimulus package has been to the House floor. Not once out of the three times, has there been sufficient assistance in the form of health insurance converge and unemployment benefits for the unemployed and low-income families. Not once have Republican considered the long-term effect of the unnecessary tax cuts. Not once have they considered anything else but their special interests, the wealthy.

We need a bill that will give better backing for COBRA insurance. The tax credit that this bill provides will do nothing for the families and individuals who cannot afford to pay upfront for the insurance packages. While Democrats have been fighting to help the jobless and low-wage workers, the number of those in need has grown and each individual has been without federal income support since March, when this recession officially started.

While we stand in the midst of a recession, we have Members of Congress who contritely confess their sincere desire to help the American people, but simultaneously provide help for only approximately 25 percent of the American people, who happen to be very wealthy. The rest of the nation will suffer because they are not wealthy enough or because they are not highly compensated executives in the corporate world.

This bill follows the pattern this Congress established when it passed the airline bailout bill last October. We provided $15 billion in financial assistance to financially strapped airlines following the September 11th attack, but the leadership of this Chamber did nothing for rank-and-file workers who were laid off by the airlines. Last November, this Chamber bailed out the insurance industry, which covered the airline industry we bailed out the month before, but the leadership did nothing for rank-and-file workers who were laid off by the airlines or as a result of the economic recession.

This bill today, like the others before, is another tax break bill for people who do very well in good times and bad, but it does very little for the people who need the most help—the jobless and low wage workers. Once again, this bill, like the others before, puts those most in need as a last priority. That's unacceptable. For that reason, I will vote ''no''. Mr. Speaker, we can do better than this. It's unfortunate that the other side of the aisle does not negotiate in good faith. No one saw this bill before it came to the House floor. It did not go through the committee process. This is a product of an autocratic procedure. It is put out for us to take or leave. That's it. I urge my colleagues to join me in rejecting this bill.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 622, the Hope For Children Act which will increase the adoption tax credit for families. I am an original cosponsor of this legislation and I commend the gentleman from South Carolina, Mr. DEMINT for his leadership on this important issue.

I am particularly pleased that with today's vote we will be adding a provision to temporarily extend unemployment compensation for an additional 13 weeks for individuals who have exhausted their 26 weekly benefits, and will provide needs assistance to New York under the Liberty Program.

As our nation begins to rebound economically it is important that we provide American's who have been adversely affected by the events of September 11th and the subsequent economic downturn with the means to provide for their families. Representing numerous individuals affected by the slow down of the airline, travel, and tourism industry in New York, I know how important this extension will be in assisting these hard working individuals. This economic package is a major step to regaining a healthy economy. Each of the components will help us stimulate different areas of the economy and promote growth and jobs. Our economy has weathered turbulence in the past during times of war and times of peace. But a sound, reasoned economic growth package, such as the one we are working to pass, will put us on the right track back to prosperity.

Accordingly, I urge my colleagues to support this important measure.

Mr. BLUMENAUER. Mr. Speaker, on this Valentine's Day the Republican leadership is presenting America's largest corporations and wealthiest individuals with another sweetheart

deal, while people and families in Oregon and across the nation continue to wait for a meaningful economic stimulus package.

The State of Oregon continues to lead the nation in unemployment, so it is frustrating to see Republican proposals that continue to focus on people who need the Federal Government's help the least. Even more exasperating is the fact that these corporate tax credits and tax cuts will be paid by Social Security and Medicare surpluses.

A true economic stimulus package would directly put people back to work and not last longer than necessary. The bill before us today is not an economic stimulus package, is not temporary, and does not target relief to businesses hurt by the recession.

The most significant and appropriate response to help the American people would be accomplished by increasing funding for ready-to-go public works projects that will reduce unemployment, while benefiting communities across the country. Every state in the nation has transportation, water, environmental clean-up, and other infrastructure projects that could immediately employ people to make our communities safer and healthier.

This bill is the third attempt by the Republican leadership to use a weakened economy as an excuse for permanent tax breaks for their favored few. Until a fair and sensible economic stimulus package is presented to the House, I must withhold my support.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 622, the Economic Support and Worker Assistance Act.

The Republican Majority's actions on the economic stimulus package are making me feel like Bill Murray in the movie, Groundhog Day. Just as Bill Murray had the same bad day over and over again, we keep getting the same bad bill over and over again. Unfortunately, for the millions of Americans who are unemployed, this is not a movie, but real life—and it is turning out to be a tragedy, rather than a comedy.

The Senate passed legislation to extend unemployment benefits by 13 weeks for the more than 1 million people who lost their jobs in recent months. We should be approving that same legislation so it can be sent to the President for his signature today. We are about to go into recess for nearly 2 weeks. If we do not send a bill to the President today, we will take no action for a minimum of 12 days—and during that time, more than 120,000 people will lose their benefits.

Passage of a clean bill to extend unemployment benefits would give unemployed Americans and their families some immediate financial relief. Such action is supported by wide, bipartisan majorities in Congress, so there is no excuse for delay. Unfortunately, the House Republican leadership refuses to do what is right to protect America's workers. Instead, they insist on continually giving bigger and more outrageous tax cuts to their corporate friends, while millions of unemployed Americans are desperately trying to feed their families and search for new jobs.

I urge my colleagues to vote for a 13-week extension of unemployment insurance benefits and to vote against tax breaks for big business and the wealthy. By doing otherwise on Valentine's Day, we will do more than break the hearts of the American people, we will break their banks.

Mrs. MALONEY. Mr. Speaker, on February 6 the Senate passed a 13-week extension of unemployment insurance by unanimous consent. Fifty Democratic, 49 Republican and one Independent Senator recognized that while our country is at war and our economy is in a downturn it is time to lend a hand to individuals who are out of work. After weeks of attempting to pass a comprehensive stimulus the Senate came together and acknowledged that political differences should not prevent the government from helping America's most needy at this critical time.

Unfortunately, the bill before the House today fails to follow the bipartisan spirit of the Senate and instead subjects people who will soon be without jobs and without unemployment insurance to a Washington political game. People out of work around the country deserve better treatment by Congress. The victims of today's House action are hard-working Americans out of work through no fault of their own. In my own City of New York recovery from the terrorist attack has made the unemployment situation particularly grim. I continually encounter people who are victims of economic circumstance like the woman who approached me last Friday on Lexington Ave and urged me as a Member of the House to follow the Senate's lead. This House should know that our constituents are watching and they can clearly see that unemployment insurance is falling victim to a political agenda.

Finally, the Majority bill was crafted in the middle of the night last night and represents such an amalgamation of provisions that we do not even know hour much it will cost. The President's budget proposal recognizes that we are not eating into the Social Security surplus. I do not disagree with every provision in the bill but it is irresponsible to vote on a substantial tax package like this without knowing all of its long-term ramifications.

Mr. DINGELL. Mr. Speaker, yet again, we are involved in a most curious proceeding. The Republican majority is bringing forth, for a third time, an economic stimulus bill that cannot be passed in the Senate and is being brought up only for partisan reasons. Many of my colleagues in the Republican leadership talk about the obstructionism in the Senate. I say this exercise is the height of obstructionism. The House Republican leadership seems intent on doing things ''my way or the highway.'' And each time they pass the same old bill, they keep millions of unemployed Americans from getting the help they need. In fact, by their delay, more than 11,000 workers each day exhaust their unemployment benefits and therefore would immediately benefit from the Senate's unemployment extension.

But the Republican leadership will not allow a vote on any other bill than their own. We can't even vote for the stimulus amendment on unemployment assistance that passed the Senate by voice vote. That is neither bipartisan nor responsible. In fact, at no time have my Republican colleagues reached out to me or other Democrats to work on an economic stimulus bill. At the one and only meeting we had on the stimulus health pieces in which the Republican leadership allowed Members to show up, we were told that they had to ''just say no'' to anything we had to discuss. That too is neither bipartisan nor responsible.

So, here I am again, for the third time, telling you why this is a bad bill. The Republican leadership bill is supposed to provide immediate stimulus. So why do many of the tax provisions cost billions after 2002, in years when the economy is expected to be in recovery and stimulus is no longer needed? And why does this bill provide no meaningful immediate help for the millions of Americans without work and without health insurance coverage?

For example, why can't we truly held laid-off workers continue COBRA coverage? The Republicans promise assistance for workers to continue coverage under COBRA. But, the 60 percent tax credit is inadequate to allow families to afford coverage; millions of workers would not even be eligible because of restrictive definitions; and the Republican leadership program sets the stage for complete gutting of the employer-sponsored insurance—something Republicans have long tried to do. This tax credit is even more meaningless for workers who don't quality for COBRA, as they tend to be working in lower paying jobs and would find it even more difficult to afford coverage, particularly in the indivdual market where in most instances there are no protections on cost or availability of coverage.

Also, why can't we help laid-off workers who are not eligible for COBRA coverage? Presented with an option of building on a program, Medicaid, that already provides guaranteed, affordable health insurance coverage for nearly 44 million Americans and a program that currently does not provides health insurance to anyone, Republicans chose the program that has no experience providing coverage. Worse yet, they don't even guarantee any of the money would be used for health care. And, in attempt to counter some of our arguments, they provide funding to state high-risk pools, presumably to give people a place to spend their ''meaningless'' tax credits. Unfortunately, they are a day late and a dollar short: $40 million won't even cover 50% of these pools' costs for the two years it is available.

Had we had a chance to offer a substitute, the Democrats would have offered something that truly helps laid-off workers. The Democratic proposal would reach 5.1 million Americans. The Democratic proposal would provide additional financial assistance to states to help them meet the increases in Medicaid enrollment as a result of the economic downturn. As millions join the ranks of the uninsured, we need to ensure states preserve, not limit, eligibility for coverage.

The Democratic proposal would shore up health care providers as well. Providers are being hard hit by the economic downturn. The Democratic proposal would prevent physicians from taking a 5.4 percent reduction in their Medicare payments this coming year. It also includes bipartisan legislation to reduce regulatory obstacles in the Medicare program for providers. Both of these proposals should make it easier for providers to weather the economic downturn and continue providing quality care to seniors.

But the Republican leadership has barred votes on any alternative proposals today. What are they afraid of? We want to put choices before the American public—they do not. We want to help displaced workers and shore up the health system to weather the economic downturn—they do not. We want to provide targeted, responsible stimulus—they do not.

This Republican process is an outrage, serving only to obstruct help for unemployed Americans.

Mr. UNDERWOOD. Mr. Speaker, while we debate today's latest House Republican economic stimulus proposal, I would like to once again speak up on behalf of my home district of Guam and the U.S. territories, all of which have been experiencing double digit unemployment rates and have seen a down-turn in our tourism-dependent economies.

I am grateful for the assistance of Representative JOHN BOEHNER, Chairman of the House Education and Workforce Committee, for ensuring that the territories are eligible under the National Emergency Grants provision of the Republican stimulus bill. However, I was hoping that the Government of Guam would be provided economic relief for individual tax rebates and to see increases for Medicaid funding that we have sought, and that were included in Democratic proposals.

The bill before us today does nothing for the territories, especially for Guam. In fact, it may hurt. It provides more tax cuts which are reflected in Guam through a ''mirror tax code.'' This has the effect of reducing local revenues at a time when Government of Guam leaders are exploring the possibility of cutting worker salaries by 10 percent. It ignores our plight because we are not included in the additional 13 weeks of unemployment insurance. We should assist people who truly need help and local governments who are suffering through the most difficult times in the nation.

After all is said or done between the various competing proposals, however, it is clear to me that the territories will not be provided with the economic relief necessary, and that a targeted insular areas economic relief package is direly needed. Unlike the rest of the country, we in the territories have been struggling economically for the last few years. Prior to the September 11 attacks, Guam's economy, alone, was already struggling as a result of the Asian economic crisis. For the last 3 years, Guam's unemployment rate has averaged over 15 percent. This rate is three times the national average.

Over the last several months, I have been in discussion with other territorial delegates, Administration officials, Congressional leaders from the Ways and Means and Resources Committees, and local political and business leaders in the territories, on the need for an insular areas economic relief package.

Legislative items which should be considered include:

Increasing the waiver of local matching requirements for the territories;

Ensuring that the territories are included in the National Emergency Grants Program;

Lifting the cap on Medicaid funding for the territories or increasing the level of Medicaid funding;

Establishing empowerment zones in the territories;

Extending the supplement grant for population increases and contingency fund for welfare programs to the territories;

Providing unemployment assistance to the smaller territories from FEMA's Disaster Unemployment Assistance Program;

Extending supplemental security income benefits to Guam and the Virgin Islands;

Providing Federal guaranteed bonds for infrastructure projects in the territories; and

Generating increased GovGuam revenues with military personnel on temporary duty on Guam.

I look forward to working with my colleagues on ways to provide economic relief to the U.S. territories.

Mr. UDALL of Colorado. Mr. Speaker, I think today's action on the House floor is exactly the kind of thing that makes people cynical about Congress and the political process.

As our businesses are struggling to recover from recession, unemployment insurance is running out for thousands of people who have lost their jobs. Extending those benefits is something they need and something that will help the economy because it will enable them to continue paying their bills.

Those are the facts. There should be no partisan disagreement about them—which is why the Senate unanimously approved the bill before us, which would extend those benefits for 13 weeks.

And there should be no disagreement about what we should be doing today as we prepare to adjourn and leave town for more than a week. We should be passing that bill—the bill supported by every Senator, regardless of party—and sending it to the President so he can sign it into law.

But we aren't doing that. Instead, the Republicans leadership is insisting on holding that bill hostage—which means holding hostage everyone who need the extension of unemployment coverage—by sending it back to the Senate loaded down with a bulging grab bag of other legislation that the House has already passed before.

No wonder people are cynical about Congress.

Mr. Speaker, I am not saying that none of the things in this legislative package is any good. As a matter of fact, there are a number of items that I support. For example, I strongly support the extension of the clean-energy production credits and the work-opportunity credit. I also support a number of provisions to give tax relief to small businesses and to shorten the period for depreciating leasehold improvements. And I definitely think we need to change the way the alternative minimum tax is applied to individuals.

But all those provisions were already included in legislation that the House passed last year. There is no need to hijack this bill—a bill to provide urgently-needed help to thousands of Americans—to get them to the Senate, because they are already there.

I understand that the Republican leadership here in the House wants the Senate to act on a stimulus bill—and I agree that a sound stimulus bill would be good for the economy and good for the country. But I cannot agree to their strategy. I cannot agree to holding hard-pressed Americans hostage to try to coerce our colleagues in the other body. So, I cannot support this motion.

Mr. BOEHNER. Mr. Speaker, I rise in strong support of this economic stimulus package. In particular, I'd like to highlight the part of this bill that addresses the needs of working Americans and their families.

I'd also like to thank SAM JOHNSON of Texas and BUCK MCKEON of California, who helped craft the National Emergency Grant provisions, which we originally introduced as part of the ''Back-to-Work Act'' to respond to the needs of displaced workers.

As everyone knows, the September 11 terrorist attacks precipitated a downturn in our economy, and thousands of workers are now jobless. The proposal before us will help every worker return to work as quickly as possible—and in the meantime, that they and their families have access to quality health insurance as well as employment and job training resources.

Last year, the Labor Department acted decisively to mobilize the existing safety net for displaced workers and their families. And Secretary Elaine Chao testified before my committee on how Congress can work with the Administration to further strengthen the safety net for these workers—which is what this worker relief package would do.

As Secretary Chao said, and I quote, ''This Administration is committed to going even further than current programs allow to help families, industries and regions that have been hardest-hit by the terrorist attacks and their aftermath. Workers need help regardless of what industry they work in—not just a chosen few. The President's plan gets money to wherever people are hurting.''

The proposal before us is one that can be implemented quickly, flexibly, and without creating new bureaucracy. It's designed to do three things: (1) help those who have lost their jobs because of the economic downturn; (2) put people back to work to help get the economy moving again; and (3) ensure that displaced workers have access to health care.

Specifically, this bill would expand the National Emergency Grant program and authorize and appropriate $3.9 billion to help dislocated workers. Under the bill, grants may be used by states to help ensure that dislocated workers: (1) maintain health insurance coverage; (2) receive some form of income support during the recovery period; and (3) return to work as quickly as possible with the help of employment training and job search assistance.

Mr. Speaker, this proposal is a compassionate one—not just because it provides workers in need with flexibility and resources, but because it recognizes that a displaced worker's true goal, ultimately, is to return to work. A government program can help a worker survive. But until a worker returns to work, no economic recovery is complete.

On behalf of our nation's workers, I urge my colleagues to vote ''yes'' on this economic stimulus package.

Mrs. MCCARTHY of New York. Mr. Speaker, today, the House of Representatives will vote on another stimulus package that comes closer to the immediate needs of the country. We are all facing a sagging economy, escalating unemployment levels, and close to my home on Long Island, our concerns also include reconstruction efforts. Although this bill does not include everything I would have preferred, it is an improvement from the previous versions I opposed.

Although I support the provision extending unemployment benefits for an additional 13 weeks, this bill neglects the immediate unemployed health insurance needs of displaced workers. This bill provides a temporary tax credit equal to 60 percent of the cost of health insurance purchased by unemployed workers. This is a step in the right direction, but displaced workers need health insurance assistance now; not when they file their taxes next year.

New York is in dire straights because of the September 11 attacks. The sudden spike in unemployment levels has placed an enormous strain on unemployment rolls and other assistance programs. I was pleased the bill included $3.9 billion in national emergency grants to states for health care and reemployment assistance for displaced workers, as well as an

additional $4.6 billion for health care expenses.

In addition, this measure includes a number of temporary tax provisions for reconstruction incentives to businesses located in the New York Liberty Zone surrounding the World Trade Center. Among these provisions includes $8 billion in tax-exempt bonds over the next three years for reconstruction in the areas of New York City damaged by the September 11 attacks. Also included are several measures intended to attract businesses back to New York City.

Nonetheless, I am disturbed over the procedural games this bill must endure. We had an opportunity to pass a Senate cleared unemployment extension measure on its merits which would have passed the House and been sent to the president. Unfortunately, several tax provisions were added to the bill, essentially making it impossible to pass the Senate.

Since September 11th, more than one million have seen their unemployment benefits expire. Another two million workers will exhaust their benefits over the next 6 months. Yet we continue to play partisan and procedural games holding the unemployed hostage. It's unfortunate that some of the positive measures of this bill will never see the president's desk.

America needs an economic stimulus package that prioritizes the needs of this country during this difficult time. Therefore we must address the needs of our workers as well as providing our businesses with stimulating tax cuts that provide the temporary relief they need. However, this will never be achieved if the same procedural games are played.

Ms. BALDWIN. Mr. Speaker, this past Tuesday the State of Wisconsin did something no other state has done, and something this chamber has failed to do. Wisconsin did what was right and decided to help unemployed workers by extending their unemployment insurance benefits for an additional 8 weeks. They did it without playing political games or attaching controversial measures intended to score political points but not help America's workers.

Only a few short days after September 11, Congress quickly rushed to rescue the airline industry and provided a $15 billion package. This package provided airline executives with a guarantee that their million dollar salaries were safe, but included no provisions that helped the thousands of airline workers who were being laid off at an alarming pace.

The economic downturn, combined with the terrorist attacks, has caused many people to lose their jobs. Our unemployment is at its highest rate in about a decade. Yet, the House passed an economic stimulus bill that included millions of dollars is special tax breaks for big corporations, including Enron, but left behind those who needed financial help the most—Americans who have lost their jobs.

I applaud the State of Wisconsin for providing unemployed workers financial help for an additional 2 months while they look for a job. That means the people of Wisconsin will also have another 2 months to make their car payment, pay their house mortgage, and feed their families. I believe we must extend this assistance to all out-of-work Americans. It is our responsibility, our duty, to make sure that all unemployed or displaced workers have their benefits extended.

Today, this House had an opportunity to pass a bill that would have extended unemployment benefits to unemployed workers and gotten a prompt signature from the President. Sadly, tying unemployment benefits to another so-called economic stimulus bill will cause it to meet the fate of the previous 2 bills this House passed—it will go nowhere. We should follow Wisconsin's example and pass legislation that extends unemployment insurance benefits for at least another 13 weeks in a stand-alone bill. To do so otherwise is to turn our backs on the American people.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 347, the previous question is ordered.

PARLIAMENTARY INQUIRIES

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. RANGEL. Mr. Speaker, what would be the appropriate time for me to move that we concur with the Senate amendment to extend the unemployment compensation?

The SPEAKER pro tempore. The previous question is ordered on this motion to final adoption without intervening motion so there is no opportunity at this time.

Mr. RANGEL. Mr. Speaker, I have an additional parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Will the minority have an opportunity to offer a substitute to the majority position?

The SPEAKER pro tempore. There is no such opportunity. The previous question is ordered to final adoption.

Mr. RANGEL. Mr. Speaker, my further and last parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Does the minority have an opportunity to make a motion to recommit the majority's rule?

The SPEAKER pro tempore. The previous question is ordered to final adoption without intervening motion. The answer is no.

The question is on the motion offered by the gentleman from California (Mr. THOMAS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PORTMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 199, not voting 11, as follows:

[Roll No. 38]

YEAS—225

Aderholt	Bachus	Barcia
Akin	Baker	Barr
Armey	Ballenger	Bartlett
Barton	Greenwood	Oxley
Bass	Grucci	Paul
Bereuter	Gutknecht	Pence
Biggert	Hall (TX)	Peterson (PA)
Bilirakis	Hansen	Petri
Blunt	Harman	Pickering
Boehlert	Hart	Pitts
Boehner	Hastert	Platts
Bonilla	Hastings (WA)	Pombo
Bono	Hayes	Portman
Boozman	Hayworth	Pryce (OH)
Brown (SC)	Hefley	Putnam
Bryant	Herger	Quinn
Burr	Hilleary	Radanovich
Burton	Hobson	Ramstad
Buyer	Hoekstra	Regula
Callahan	Horn	Rehberg
Calvert	Hostettler	Reynolds
Camp	Houghton	Rogers (KY)
Cannon	Hulshof	Rogers (MI)
Cantor	Hunter	Rohrabacher
Capito	Hyde	Ros-Lehtinen
Castle	Isakson	Royce
Chabot	Israel	Ryan (WI)
Chambliss	Issa	Ryun (KS)
Coble	Istook	Saxton
Collins	Jenkins	Schaffer
Combest	John	Schrock
Cooksey	Johnson (CT)	Sensenbrenner
Cox	Johnson (IL)	Sessions
Cramer	Johnson, Sam	Shadegg
Crane	Jones (NC)	Shaw
Crenshaw	Keller	Shays
Cubin	Kelly	Sherwood
Culberson	Kennedy (MN)	Shimkus
Cunningham	Kerns	Shows
Davis, Jo Ann	King (NY)	Shuster
Davis, Tom	Kingston	Simmons
Deal	Kirk	Simpson
DeLay	Knollenberg	Skeen
DeMint	Kolbe	Smith (MI)
Diaz-Balart	LaHood	Smith (NJ)
Doolittle	Largent	Smith (TX)
Dreier	Latham	Souder
Duncan	LaTourette	Stearns
Dunn	Leach	Sununu
Ehlers	Lewis (CA)	Sweeney
Ehrlich	Lewis (KY)	Tancredo
Emerson	Linder	Tauzin
English	Lipinski	Terry
Everett	LoBiondo	Thomas
Ferguson	Lucas (KY)	Thornberry
Flake	Lucas (OK)	Thune
Fletcher	Manzullo	Tiahrt
Foley	McCarthy (NY)	Tiberi
Forbes	McCrery	Toomey
Fossella	McHugh	Upton
Frelinghuysen	McInnis	Vitter
Gallegly	McKeon	Walden
Ganske	Mica	Walsh
Gekas	Miller, Gary	Wamp
Gibbons	Miller, Jeff	Watkins (OK)
Gilchrest	Moran (KS)	Watts (OK)
Gillmor	Myrick	Weldon (FL)
Gilman	Nethercutt	Weller
Goode	Ney	Whitfield
Goodlatte	Northup	Wicker
Goss	Norwood	Wilson (NM)
Graham	Nussle	Wilson (SC)
Granger	Osborne	Wolf
Graves	Ose	Young (AK)
Green (WI)	Otter	Young (FL)

NAYS—199

Abercrombie	Capuano	Dooley
Ackerman	Cardin	Doyle
Allen	Carson (IN)	Edwards
Andrews	Carson (OK)	Engel
Baca	Clay	Eshoo
Baird	Clayton	Etheridge
Baldacci	Clement	Evans
Baldwin	Clyburn	Farr
Barrett	Condit	Fattah
Becerra	Conyers	Filner
Bentsen	Costello	Ford
Berkley	Coyne	Frank
Berry	Crowley	Frost
Bishop	Cummings	Gephardt
Blagojevich	Davis (CA)	Gonzalez
Blumenauer	Davis (FL)	Gordon
Bonior	Davis (IL)	Green (TX)
Borski	DeFazio	Gutierrez
Boswell	DeGette	Hall (OH)
Boucher	Delahunt	Hastings (FL)
Boyd	DeLauro	Hill
Brady (PA)	Deutsch	Hilliard
Brown (FL)	Dicks	Hinchey
Brown (OH)	Dingell	Hinojosa
Capps	Doggett	Hoeffel

Holden	McGovern	Rush
Holt	McIntyre	Sabo
Honda	McKinney	Sanchez
Hooley	McNulty	Sanders
Hoyer	Meehan	Sandlin
Inslee	Meek (FL)	Sawyer
Jackson (IL)	Meeks (NY)	Schakowsky
Jackson-Lee (TX)	Menendez	Schiff
Jefferson	Millender-McDonald	Scott
Johnson, E. B.	Miller, George	Serrano
Jones (OH)	Mink	Sherman
Kanjorski	Mollohan	Skelton
Kaptur	Moore	Slaughter
Kennedy (RI)	Moran (VA)	Smith (WA)
Kildee	Morella	Snyder
Kilpatrick	Murtha	Solis
Kind (WI)	Nadler	Spratt
Kleczka	Napolitano	Stark
Kucinich	Neal	Strickland
LaFalce	Oberstar	Stupak
Lampson	Obey	Tanner
Langevin	Olver	Tauscher
Lantos	Ortiz	Taylor (MS)
Larsen (WA)	Owens	Thompson (CA)
Larson (CT)	Pallone	Thompson (MS)
Lee	Pascrell	Thurman
Levin	Pastor	Tierney
Lewis (GA)	Pelosi	Towns
Lofgren	Peterson (MN)	Turner
Lowey	Phelps	Udall (CO)
Luther	Pomeroy	Udall (NM)
Lynch	Price (NC)	Velazquez
Maloney (CT)	Rahall	Visclosky
Maloney (NY)	Rangel	Waters
Markey	Reyes	Watson (CA)
Mascara	Rivers	Watt (NC)
Matheson	Rodriguez	Waxman
Matsui	Roemer	Weiner
McCarthy (MO)	Ross	Wexler
McCollum	Rothman	Woolsey
McDermott	Roybal-Allard	Wu
		Wynn

NOT VOTING—11

Berman	Riley	Taylor (NC)
Brady (TX)	Roukema	Traficant
Miller, Dan	Stenholm	Weldon (PA)
Payne	Stump	

□ 1417

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion just agreed to.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

RECESS OF SENATE FROM THURSDAY, FEBRUARY 14, 2002, OR FRIDAY, FEBRUARY 15, 2002, TO MONDAY, FEBRUARY 25, 2002, AND ADJOURNMENT OF HOUSE FROM THURSDAY, FEBRUARY 14, 2002, TO TUESDAY, FEBRUARY 26, 2002

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 97) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 97

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, February 14, 2002, or Friday, February 15, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, February 25, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, February 14, 2002, it stand adjourned until 2:00 p.m. on Tuesday, February 26, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 26, 2002, the Speaker, majority leader, and minority leader be authorized to accept resignations, to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT APPROPRIATE CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Friday, February 22, 2002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 27, 2002

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 27, 2002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 26, 2002

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 14, 2002.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 26, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is approved.

There was no objection.

AMERICAN HEART MONTH

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today in support of American Heart Month.

Sudden cardiac arrests lead to the death of over 230,000 Americans each year, including children. Take the case of Sean Morley, a 13-year-old boy from Buffalo Grove, Illinois. Playing baseball one day, a pitcher hurled a fast ball way inside and hit Sean in the chest. He immediately went into cardiac arrest. Thankfully, a nearby police officer was equipped with an automatic external defibrillator and was able to restore a normal heartbeat to the young ball player.

Like Sean Morley, more lives could be saved if communities had access to automatic external defibrillators and were trained to use them.

I have introduced legislation, along with my colleague, the gentlewoman from California (Mrs. CAPPS), which would provide grants to communities to establish public access to defibrillator programs. The Senate unanimously passed companion legislation last Friday, and I urge the House to quickly bring this legislation to the floor.

Mr. Speaker, 50,000 lives could be saved each year if more people implemented the chain of survival which includes the use of AEDs, or automatic external defibrillators.

PRAYERS FOR THE BURNHAMS

(Mr. TIAHRT asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today marks the 264th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Today is Valentine's Day, a day focused on celebrating love 365 days a year, not just on February 14.

The Burnhams have a beautiful marriage and were on a trip celebrating their 18th anniversary when taken hostage by the Abu Sayaf group. Since then they have continued to remain devoted to each other. Martin often gives his food to Gracia, though neither of them has enough to eat. In a video in November, Gracia describes how she shouts ''I love you'' to Martin when they are caught in gun fire. She wants to be sure she gets to say it one last time.

Martin and Gracia also greatly love their three beautiful children, Jeff, Mindy and Zach. They have missed Father's Day, Thanksgiving, Christmas, each child's birthday, and now this day, to celebrate love. In letters they have expressed their devastation at being separated from their children.

Even during this awful nightmare, they have shared their love with each other and with others. Fellow hostages who have been released relate the Burnhams' attempts to encourage and comfort other captives. Gracia recited home recipes with other hostages to take their minds off the situation.

As we contact our loved ones today, let us not forget Martin and Gracia Burnham. I ask that my colleagues join me in praying for their release so that they may continue to share their love with their children, their family, their friends, and others they meet.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENRON SCANDAL CAUSES UNBEARABLE GRIEF, ANGER, AND FINANCIAL HARDSHIP FOR ENRON EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 5 minutes.

Mr. GANSKE. Mr. Speaker, employees, pensioners, and investors who have seen their nest eggs disappear from Enron's bankruptcy speak of ''unbearable grief.'' They are also really angry that Enron's executives cashed out while, in many cases, they were locked in. One man told a congressional hearing, ''I could understand now why people jumped out of windows in the Great Depression.'' Several of my fellow Iowans who used to work for the Nebraska and Western Iowa Natural Gas Company that merged with Houston Natural Gas to become Enron have told me they have lost most of their life savings. I recently gave a talk to a Des Moines Rotary and two-thirds of the 200 people there have lost money in Enron, either directly or through their mutual funds.

The personal toll has been enormous. There has even been a suicide by one of Enron's former executives who left the country with millions, but could not deal with the collapse of the company.

The bankruptcy of Enron is the country's largest business failure. Its demise is rippling across our economy at a time when investor confidence was already shaky. What makes the Enron scandal so serious is that it is not an isolated case of corporate greed and fraud. Global Crossing and Elan also gave money to someone else, took some of it back, and counted the income as revenue without counting the outgo as expense. Amazon also resorted to ''pro forma'' accounting when it did not like GAAP. Shares in Tyco International dropped 50 percent on questions about its accounting.

My congressional committee, the Committee on Energy and Commerce, is holding hearings even as I speak on this Enron implosion and what happened and how can we avoid future collapses. My committee exposed the shredding of documents by both Enron managers and Arthur Andersen accountants. We are hearing today about the woman, Sherry Watkins, who wrote the ''smoking gun'' memo in which Enron President Ken Lay was informed of sham transactions with partnerships controlled by its own employees that were designed to accomplish favorable financial statement results in order to conceal large losses resulting from Enron's merchant investments. She warned Mr. Lay of ''impending implosion.''

Mr. Lay and others sold millions of dollars of Enron stock, even though insiders are prohibited from selling if they have material nonpublic information. Ken Lay and the chief financial officer, Andrew Fastow, have now taken the fifth before Congress, and Enron CEO Jeffrey Skilling very well may have not been totally honest with my committee when he testified. Arthur Andersen Accounting Company is in deep financial trouble too. Its Enron accountants' actions are under investigation, as well as activities at Andersen headquarters. The Justice Department is investigating whether crimes were committed, and these people may go to jail.

But that is small consolation to people who have lost their life savings. They want to know who is to blame for corporate America's largest bankruptcy, and there is much blame to go around: executives with no ethics, conflicts of interest on Enron's board, auditors who do not ask tough questions, investment banks that kept high-risk leverage off the books, stock analysts without the vaguest understanding of Enron's schemes. The failure of the Securities and Exchange Commission and the Financial Accounting Standards Board, FASB, on rules for subsidiaries, and maybe even Congress, should share some of the blame for failing to support stricter rules.

□ 1430

A couple of years ago then-SEC Chairman Arthur Levitt pushed for stronger rules to separate accounting from consulting by the same firms. I am thankful now that I supported his efforts. The public outrage over this economic tragedy is real, and that is why I am hopeful Congress will act. Congress is considering the multifaceted nature of this problem.

The 1929 stock market crash prompted legislation to force publicly traded companies to submit regular reports that met certain standards. Former Treasury Secretary Larry Summers has said that no innovation has been more important to the success of U.S. capital markets than generally accepted accounting principals.

The transparency and accuracy of corporate reports inspired investor confidence. Unfortunately, with compensation more closely tied to stock prices, the incentives for corporate managers to distort the information they provide investors has grown.

It seems to me accounting firms must raise their standards and adopt new rules requiring that subsidiaries be included in a company's financial statements. Those standards should be enforceable by FASB and that the funding of this regulatory board should be independent from accounting firms it oversees.

Investors rely on stock analysts. We need to do many things to fix this problem. Last week Paul Volcker said, Accounting and auditing are in a state of crisis. Mr. Chairman, to the millions of Americans who are depending on their investments for their retirement or their children's college educations, Mr. Volcker's statement is not hyperbole.

Employees, pensioners and investors who have seen their nest egg disappear from Enron's bankruptcy speak of ''unbearable grief.'' They are also really angry that Enron's executives cashed out while, in many cases, they were locked in.

''I could understand now why people jumped out of windows in the Great Depression,'' one man told a congressional hearing. Several Iowans who used to work for the Nebraska and western Iowa natural gas company that merged with Houston Natural Gas to become Enron have told me they have lost most of their life savings. I recently gave a talk to a

Des Moines Rotary and two-thirds of the 200 people there had lost money in Enron either directly or through their mutual funds.

The personal toll has been enormous! There has even been a suicide by one of Enron's former executives who left the company with millions but could not deal with the collapse of the company.

The bankruptcy of Enron is the country's largest business failure. Its demise is rippling across our economy at a time when investor confidence was already shaky. What makes the Enron scandal so serious is that it is not an isolated case of corporate greed and fraud. Global Crossing and Elan also gave the money to someone else, took some of it back and counted the income as revenue without counting the outgo as expense. Amazon also resorted to ''pro forma'' accounting when it didn't like GAAP. Shares in Tyco International dropped 50 percent on questions about its accounting.

My congressional committee, the Energy and Commerce Committee, is holding hearings into how this ''Enron implosion'' happened and how can we avoid future collapses. The committee exposed the shredding of documents by both Enron managers and Arthur Andersen accountants. We have discovered the ''smoking gun'' memo in which Enron vice-president, Sherry Watkins, warned Enron President Ken Lay of sham transactions with partnerships controlled by its own employees that were designed to accomplish favorable financial statements results in order to conceal large losses resulting from Enron's merchant investments. She warned Mr. Lay of ''impending implosion.''

Mr. Lay, and others, sold millions of dollars of Enron stock even through insiders are prohibited from selling if they have material nonpublic information. Ken Lay and Chief Financial Officer Andrew Fastow have now taken ''the fifth'' before Congress and Enron CEO Jeffrey Skilling very well may have committed perjury before my committee. Arthur Andersen accounting company is in deep financial trouble, too. Its Enron accountant's actions are under investigation, as well as activities at Andersen headquarters. The Justice Department is investigating whether crimes were committed and these people may go to jail.

But that is small consolation to people who have lost their life savings. They want to know who is to blame for corporate America's largest bankruptcy?

My committee is holding wide-ranging hearings. There is much blame to go around: executives with no ethics, conflicts of interest on Enron's board, auditors who don't ask tough questions, investment banks that kept high-risk leverage off the books, stock analysts without the vaguest understanding of Enron's schemes, the failure of the Securities Exchange Commission (SEC) and Financial Accounting Standards Board (FASB) on rules for subsidiaries.

Maybe even Congress shares blame for failing to support stricter rules. A couple years ago, then-SEC Chairman Arthur Levitt pushed for stronger rules to separate accounting from consulting by the same firms. I am thankful now that I supported his efforts.

The public outrage over this economic tragedy is real and that is why I am hopeful Congress will act. Congress is considering the multifaceted nature of this problem.

The 1929 stock market crash prompted legislation to force publicly traded companies to submit regular reports that met certain standards. Former Treasury Secretary Larry Summers has said that no innovation has been more important to the success of U.S. capital markets than ''generally accepted accounting principles (GAAP).'' The transparency and accuracy of corporate reports inspired investor confidence.

Unfortunately, with compensation more closely tied to stock prices the incentives for corporate managers to distort the information they provide investors has grown.

It seems to me that accounting firms must raise their standards and adopt new rules requiring that subsidiaries be included in a company's financial statements, that those standards should be enforceable by FASB, and that the funding of this regulatory board be independent from the accounting firms it oversees.

Investors rely on stock analysts, Do the analysts, or their firms, have a personal stake in seeing a stock do well? The National Association of Securities Dealers and the SEC should require Wall Street analysts to disclose whether they own stock they recommend and whether their pay is based on the investment banking work their firms provide.

For several years I have recommended increased funding for the SEC.

Corporate executives should disclose more quickly when they buy and sell their company's stock. Boards should be strengthened and limits should be put on stock options for board members.

Congress should consider reasonable limits on exposure to single stocks in employee pensions. I know several Iowa corporations that put limits on how much of their company's stock accounts for an employee's pension because they are concerned about their employees having all their investment eggs in one basket. Peoples' pensions should be vested in a reasonable time and diversified. Executives and employees should operate under the same rules on 410k ''lock-outs'' against selling stock.

These are just a few of the ideas being floated in Congress. I believe there is some urgency for Congress to act. This crisis needs to be resolved before investors lose faith in the integrity of the markets. We can already see investors skittish about a stock if there is even a hint of accounting shenanigans.

Last week Paul Volcker, Jr., the former Chairman of the Federal Reserve said, ''Accounting and auditing in this country is in a state of crisis.'' To the millions of Americans who are depending on their investments for their retirement or their children's college education, Mr. Volcker's statement isn't hyperbole!

The SPEAKER pro tempore (Mr. CANTOR). Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, as an American of Lithuanian descent, I always come down to the floor around this time of year to commemorate Lithuanian Independence Day.

The 16th of February is the most important national holiday for Lithuanians. Eighty-four years ago Lithuania declared their independence from Germany. At this time its government held two main principles, restore statehood and the right to national self-determination.

Even after 50 plus years of Soviet occupation, these principles still hold true for Lithuania today. As soon as they established their independence in 1991, they have been working towards their goal towards NATO, the North Atlantic Treaty Organization.

I am pleased that Lithuania has shown as much tenacity and discipline in its membership action plan program as it did towards achieving freedom. All indications show it will be a significant contributor towards the Alliance.

Since 1994, over 1,000 Lithuania troops have served in NATO-led missions in the Balkans. Lithuania has expressed strong political and diplomatic support for the U.S. antiterrorist campaign, and it is ready to contribute its military and medical unit as part of the Czech hospital to the operation in Afghanistan and a military security unit within the Danish contingent to Kyrgyzstan as its practical contribution to the ''Enduring Peace'' operation.

Moreover, Lithuania's current experience and positive relations with its neighbor, Russia, are poised to only get better once Lithuania receives an invitation to join NATO.

I congratulate the people of Lithuania on their Independence Day for their hard work and perseverance, and I extend these greetings to all Americans of Lithuanian descent.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICAN HEART MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I know how proud the residents of the Old Dominion, Richmond, Virginia, are to see you in this chair leading this great Congress today. I also want to wish a happy Valentine's Day to all of the employees of our Capitol complex and their families.

As we continue to work on issues that are important to America, I wanted to talk about, since today is Valentine's Day, some issues we are identifying by the Congressional Heart and

Stroke Coalition for American Heart Month.

The heart, of course, represents Valentine's Day, and it is more important to the body than anybody can ever imagine.

Let me give you a little background. About 62 million Americans suffer from some form of cardiovascular disease. One million die from such conditions each year. One American every 33 seconds dies of cardiovascular disease. Heart disease is the number one killer in the United States, followed by cancer, Alzheimer's and HIV and AIDS.

For women heart disease is the number one killer of American women. Heart disease and stroke kill more American women than men, and one in five women have some form of cardiovascular disease.

Economic burden: Heart disease and stroke are expected to cost the U.S. $392.2 billion in 2002.

Though heart disease was once considered an inevitable consequence, if you will, of aging, today these diseases can be treated aggressively with a variety of procedures. Treatment options include medicines for high blood pressure, a leading risk factor of heart disease and stroke; medicines that lower cholesterol; clot-buster medicines that can save the lives of heart attack patients; and drugs that can prevent second heart attacks from occurring.

Education of the American public is still necessary. Over 61 percent of the American public is considered overweight by the U.S. Surgeon General. We must enforce the idea of including diet and exercise into daily living.

I would like to talk about a few things I cosponsored along with Senator BOB GRAHAM of Florida, and one is House Resolution 2508, which is the Medicare Wellness Act of 2001. Congress added, due to our legislation, the first preventative benefits to Medicare in the Balanced Budget Act of 1997. Medicare Wellness Act of 2001 seeks to add more benefits. Among other things, the bill provides for Medicare coverage of cholesterol screening and medical nutrition therapy for those with cardiovascular disease. The bill has been referred to the Committee on Ways and Means, and I will work with the gentleman from Michigan (Mr. LEVIN) and, of course, the gentleman from California (Mr. THOMAS) and the House leadership to try to move that bill forward this year.

The greatest challenge will be the cost of the bill, but let me suggest that cost of doing nothing is enormous, as I mentioned that $300-plus billion tab that we are paying one way or the other.

Another bill we have filed is H.R. 630, which is the Teaching Children to Save Lives Act, and that authorizes the Secretary of Education to make grants to State agencies to award grants to local agencies in targeted schools or school districts for cardiopulmonary resuscitation, CPR, training in targeted localities; requires such training to use nationally recognized training courses and to be in the public schools which includes students of any age between the ages of grades 6 through 12. Grants must be to ensure in conjunction with local efforts that training sites have the ability to start up and foster community partnership among public and private agencies to help provide such training.

I work with the gentlewoman from California (Mrs. CAPPS), my cochairman of the caucus, in which to see this legislation come to fruition.

Health care is probably the number one domestic issue facing Congress this year. The President articulated it in his State of the Union message, and he also spoke about it while he was in Wisconsin, and he continues to remind the public of the importance of health care as we deliberate the important issues of the day.

We must continue to provide funding for research to stop the number one killer of Americans this year. And I will continue to work as cochair of the Congressional Heart and Stroke Coalition to increase awareness of heart disease and stroke among the Members of Congress and the administration.

SUPPORTING PAKISTAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, at Congress the highs are very high, and the depths can be very low. We certainly ended the session last night on a high note. It was 2:30 in the morning with you, but we finally passed a campaign finance reform, a piece of legislation that is likely to survive in concert with the other body. And also I think that there is a rumor the President may sign it. So I think the American people have a lot to applaud along with the Members of this House for our work this week.

We go into Valentine's Day, a day of love of all kinds. I hope everybody feels many different forms, kind of love and is willing to exhibit that love and compassion. Unfortunately we sank to a new low on Valentine's Day by refusing to pass a stimulus package which addressed the sufferings of working families in America. It would have been so easy for us to celebrate this day by addressing the immediate problem of the unemployed workers. Whether they are unemployed because of the fact of the tragedy on September 11, or they were unemployed because of the creeping recession that was on the way before, we still should have addressed those problems.

We should have addressed those proposals that were made by the Progressive Caucus that were made for some 3 or 4 months that not only should we have increased the amounts of weeks that unemployed workers can receive unemployment insurance, but we should also increase the amounts of money available, because in many States they have reduced the amount of money available in the unemployment insurance payments. We also suggested that, pushed hard for a combination of health benefits to go along with the unemployment insurance benefits so that workers losing their jobs temporarily, we hope it is temporary, would be able to maintain for 6 months a health care plan which would carry their families during that period.

These are very compassionate and humane considerations, and it is a pity that on Valentine's Day, in the process of playing games with a stimulus package, what we call a stimulus package, we would not address the needs of working families in America.

It might be noted that we still have not addressed the needs of the immediate airline workers who were laid off as a result of a constrictions within the airline industry. We addressed the industry and the executives and their needs. We appropriated billions of dollars for immediate cash to make up for any losses they might have experienced as a result of the September 11 tragedy, and we also set up an $11 billion low-interest loan fund.

We did a great deal for the airline industry, and the executives will profit a great deal, and the shareholders will profit a great deal. We made a promise that we will come back and take care of the airline industry workers who were laid off, the estimated number being about 100,000. We have not made good on that promise either. It would have been great if on Valentine's Day it could have been made good on that promise.

I want to talk today about the matter of failing to show compassion and sympathy to the Americans who need it most, those people who now need a safety net, that failure of compassion and where it fits into a number of different issues and problems that we are considering now in the country as a whole. I want to talk about a conversion of issues, and this issue of compassion for those who were on the bottom, compassion for those who need safety nets is a key at the heart of the discussion of all of these other items that I want to mention.

I want to include the fact that in this conversion of issues, that it is important that we have here on the Hill today the President of Pakistan, President Musharraf. President Musharraf was here as a major ally in the war against terrorism, a country which certainly had to think for a long time and think hard before joining the alliance against terrorism because it had a great deal at stake has come down firmly on the side of those of us who care about democracy, those of us who care about liberties and freedom, those of us who care about women being treated equally. They have come down on the side of a coalition which was proposed by President Bush.

They are taking great risk; the President of Pakistan and his government are taking great risk. They are right on the border of Afghanistan. They are right in the heart of two nations that are Islamic. They are threatened on the other hand by India that is hostile for various reasons. I will not go into all the of them at this point.

They are in a precarious position, but once again, Pakistan has come to the aid of the United States. They have always done this. During the Cold War they were there. When the Russians attacked Afghanistan, they were there. We have always relied heavily on the goodwill and participation in an alliance by Pakistan. Unfortunately, we have not rewarded Pakistan when the need for their services has been over. We have too often neglected to follow through and show our appreciation.

In fact, today as I met with the Committee on International Relations in their session with President Musharraf, President Musharraf used the phrase that he said somebody had mentioned yesterday he was not so familiar with that term, but he assumed what it meant. Somebody said, Are you worried about when the United States will again dump Pakistan; will they dump Pakistan again? He assumed that this meant abandon Pakistan, and he is correct. But ''dump'' somehow is a more poignant word which gets to the heart of the matter.

□ 1445

We have repeatedly dumped Pakistan after using Pakistan. I hope it does not happen again, but that significant attempt is a convergence of issues I want to talk about today.

Our success against the Taliban in Afghanistan would have not been possible without the help of Pakistan. They have gone to great lengths to provide maximum help to the United States in that fight against the Taliban. The success against the Taliban is something we ought to take a look at and understand the implications of that. Why were we so successful so swiftly? I think at the heart of that success is the fact that the Taliban never had the population of Afghanistan on their side.

It relates very much to another issue that I am going to discuss later and that is Haiti. The Taliban was an example of what happened in Haiti. We have a group of 4- or 5,000 armed thugs who have command of the tanks and the guns and the bullets. They can take over a nation, and they can rule that nation, although they are only a tiny percentage of the nation. It happened in Haiti with its 7 million people, and we had to work for 3 years in order to get back into Haiti the democratically elected President, and in the final analysis it took troops.

President Clinton had to have the guts to order the troops to go into Haiti to restore democracy. When our troops landed, not a single shot was fired. If we think the Taliban was easy in Afghanistan, remember Haiti. Not a single shot was fired. No lives were lost. We went on for quite a long time before even a soldier was killed by accident in Haiti because the people of Haiti were not in favor of the government they had. The people would not stand against it. The so-called military were cowards, and they would terrorize the people, but once they were confronted, they melted away.

That is the lesson we ought to bear in mind as we look at the Taliban and the implications of the Taliban. We are now concerned about now that the Taliban have been defeated, what are we going to do in terms of helping Afghanistan become a strong nation, let Afghanistan become a strong nation so that never again will a bin Laden or someone like that attempt to take over the country and use the country as a base for terrorism.

The whole concept of nation-building, which was much maligned just a few years ago, has now become a positive concept as it always should have been. Nation-building should not be a dirty phrase, and we are beginning to understand that, and beyond nation-building we ought to take a look at the possibility of nation preservation. The nations that already exist who are on wobbly legs, who are in deep trouble, deserve some help in being able to maintain legal, constitutional, democratically elected governments, which brings me to another issue that I want to put in this mix of issues.

That is the war against drugs in Colombia. Colombia was allocated a billion dollars for the war against drugs there. It is a military war. Military expenditures and military wars are the most expensive ways to fight drugs, to fight for the integrity of a country. We could have done so much more with less money if we had given economic aid to Colombia 5 or 10 years ago, but right now Colombia is a nation very much like Afghanistan. There is a back and forth with guerrillas, and the guerrillas may take over and they may become friendly with a government that is not necessarily threatening America with terrorism, but with a more steady flow of drugs and with relationships with other nations in the hemisphere, small islands in the Caribbean, Haiti.

The Colombian drug trade has the potential to spread its tentacles out with such enormous amounts of money at the command of the drug lords that it will impact among many nations in the hemisphere, and we may find ourselves surrounded by a circle of nations run by drug lords which will be a far greater threat to America than the Taliban in Afghanistan.

The growing influence of drug lords in the Western Hemisphere is a major problem we should be concerned with, which brings me to the questions in Haiti.

Haiti, at the time that the Army of Haiti staged a coup and kicked out the lawfully elected, democratically elected President, kicked him out, he had to run for his life. At that time the drug lords were very much in control in Haiti, and for a long time, the people in charge, Michel Francois and Raoul Cedras were the beneficiaries of an inflow of drug money from the drug czars so that every time one went to the bargaining table with them to try to get them to be reasonable and accept the democratically elected president returning to Haiti, they were very strong because they had a source of money, so far as income, which kept them well-heeled despite the fact that we had imposed an economic embargo on Haiti. And we were certainly making the people of Haiti in general suffer, but those guys never suffered a day in their lives because they had an influx of money from drug lords.

The same thing is happening now in Haiti. The drug lords are becoming stronger and stronger every day because since the return of a democratic government in Haiti, the policies of the United States have been very backwards, hostile, mean-spirited, hateful. There is a small cabal of very powerful leaders in America who literally hate the Government of Haiti at this point. They hate President Aristide and all he stands for. I have never seen such personal venom directed to a nation or its leader, and we are making foreign policy toward Haiti on the basis of those powerful people who will not live up to promises of aid.

They have promised $200 million in aid as a kingpin part of a package, that was supposed to be the kingpin and lead to a domino effect that was positive, and other nations like France and Canada and Great Britain, everybody was going to contribute to an effort that depended on being started by the $200 million the United States would supply. Powerful forces here in Washington, sometimes single individuals, have blocked the flow of that money to Haiti, and then Haiti has experienced a great deal of suffering.

The people who had such high optimism for their democratically elected government have now begun to sink into a great deal of despair, and the old problems are coming back in terms of more and more violence. That appears to be the only answer for those who really want to weigh out and want to take shortcuts.

So the strangling of a nation is taking place right before our eyes in this hemisphere with respect to Haiti. We need a global policy with immediate focus on this hemisphere, global policy which deals with Haiti first, a policy which deals with the fact the drug lords may have a great deal of influence in the nations surrounding us in the Caribbean islands other than Haiti, a policy which deals with this hemisphere in terms of something better in Colombia than the present military war which we are losing, and, even if we win, will not lead to any permanent eradication of Colombia as a major base for drugs.

I forgot to point out that the Taliban in Afghanistan were primarily funded

through the movement of drugs, just as their people who helped us to liberate the population from the Taliban, the Northern Alliance, also depend heavily on drugs and the flow of drugs, the drug trade, to finance them.

Drugs are a major problem in our fight against terrorism. It may not be so overt at this point, but if countries are eventually controlled by drug lords in this hemisphere, they will not necessarily have an agenda of hate against the United States for political reasons or religious reasons. They have their own selfish reasons for doing whatever they do, and they certainly would be available and for sale for enemies with bigger agendas, or they themselves would be an enemy that we should fear a great deal because of the way they would allow drugs to flow into our country with greater and greater ease and lower and lower prices, addicting more and more of our population. All of these problems are inevitably interwoven.

I am going to yield in a few minutes to a colleague of mine who particularly wants to discuss the problems in Haiti and the kinds of needed emergency that we are faced with here and the fact that the Secretary of State Colin Powell, who himself is of Jamaican descent, visited with the members of Caricom.

Caricom is an economic organization consisting of all the various Caribbean governments, and he visited with them, and they had a long discussion, and one of the great problems that was put forth by the heads of Caribbean states was that they are being overwhelmed by a great number of Haitian refugees. We have in the Clinton administration boatloads of Haitian refugees directed at this country and coming in at large numbers, ships sinking at sea, and finally we had to interdict and carry people off, and at one point we had 19,000 people at Guantanamo Naval Base, Haitian refugees, the problem was that big, until President Clinton finally moved to ease the pressure by restoring democracy in Haiti.

People went home and they stayed home because they had hope. Now that hope is being lost, they are not coming to this country again because probably the Coast Guard is out there very aware and very, probably very effective in stopping the movement of boats in this direction, maybe deadly so. We do not know, but they know the problem because they had it before. So instead of coming into this country, the refugees are going to targets which are easier to get into, and that is the other countries of the Caribbean.

I want to yield to my colleague from Florida if she would like to speak on the issue of Haiti at this point.

As I said before, all these problems are inevitably interwoven. We have a need for a vision and a comprehensive policy to deal with these problems, and human affairs is as complicated or more complicated than nuclear physics. So a complicated policy which understands how these issues relate to each other is needed; some vision is needed by this administration. We have but one enemy out there to fight, and that is the enemy that is against democracy or against liberty and against our constitutional civilization. These enemies, whether they come in the form of drug lords or Taliban spouting hatred on a religious basis, they are still enemies.

Haiti is a particular case where an elected government, democratically elected, is being harassed, ignored, neglected and abandoned by our own policies here in this country, and we need to move to deal with putting pressure on our administration to move in a more humane manner in order to save a nation. We do not have to build a nation in Haiti. We have to preserve a nation.

I yield to my colleague, the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I want to thank my friend and very academic Representative, the gentleman from New York (Mr. OWENS), for reserving this time today and for leadership over the years on behalf of the nation of Haiti.

When I came to the Congress in 1992, the gentleman from New York (Mr. OWENS) was the person at that time who inspired me to keep up this fight for Haiti. I represent a great number of Haitians in this country. I am from Miami, Florida, and we do have a very large representation, almost as large as the gentleman from New York's representation.

Mr. OWENS. Mr. Speaker, I think the gentlewoman from Florida (Mrs. MEEK) represents the larger Haitian population, contrary to my congressional district.

Mrs. MEEK of Florida. Mr. Speaker, this is a subject that I know something about. One of the neighbors in my district, one of the largest neighborhoods is called Little Haiti, and it is one of the largest concentrations of Haitians in the world outside of Haiti itself.

While Haiti is an abstraction for many Americans, to many of my constituents it is their place of birth, the place of birth of their mothers and fathers, and still home to friends and family.

The human suffering in Haiti in this hemisphere, the poorest in the world, is something that no American would be proud of if they really understood what Haiti is going through and what the people in Haiti are going through.

Let me give my colleagues just a little background as to why we should be more aware of what is going on in Haiti and try to help America understand the plight of this country. Sixty percent of 8.2 million people are undernourished. Think of it, 60 percent of the people who live there. Their illiteracy rate is 48 percent, and 85 percent of Haitian adults are illiterate.

The United States has made some efforts in Haiti, not enough, but we are here today to say that the efforts that have been made are not in jeopardy.

Only 40 percent of the population has access to clean water. Think of it. We take all of these things for granted, but only 40 percent of the population in Haiti has access to clean water.

□ 1500

The per capita income of people living in Haiti is only $460 per year. What a dismal thing when we think of what is going on in Haiti. AIDS is the leading cause of death in Haiti, and infant mortality is more than twice the regional average. Life expectancy is 54 years of age, compared to a regional average of 70.

Clearly, Haiti's problems far exceed the resources it has to address them. That is why I am so grateful today that my colleague brought Haiti to the attention of this country.

Let us talk a little bit about the loans that were supposed to go to Haiti. The problems are being made worse because of decisions that are made by our own government. Just last week, Secretary of State Colin Powell said that the United States would oppose the $200 million in loans for the Inter-American Development Bank until the Haitian Government and its opposition find a way to settle their dispute. That stems from local and legislative elections held in 2000.

Now, think of this picture. Colin Powell has said they are going to hold back the loans that are to go to Haiti until they straighten out the legislative elections held in 2000. How long are they going to keep food, clean water, and clean air from the children who are suffering in Haiti?

Secretary Powell said he was terribly concerned about the political unrest in Haiti and that he does not believe that enough has been done to move the political process forward. That is another challenge. But, still, the children are dying, they are going without food, they are going without proper clothing, and we must wait until the political process moves forward.

Secretary Powell said he felt he had to hold President Aristide and the Haitian Government to ''fairly high levels of performance'' before we could simply allow funds to flow into the country. My question is, my esteemed colleague, what does Secretary Powell expect from the poorest country in the hemisphere, where people routinely go hungry, where children have no school, where health care is reserved for the wealthy and the economy is in shambles?

Haiti returned to constitutional government in 1994, following decades of the brutal dictatorships of Papa Doc and Baby Doc Duvalier and the military powerhouse which was directed against a brief period of democratic rule. Mr. Speaker, democracy is a very difficult form of government. Ask me, I know about it, even in the best of circumstances. We know this from our own experience here in the United States where we have every advantage.

Imagine how difficult it is to make democracy work when 85 percent of the

adults cannot read, unemployment is in double digits, and inflation hovers around 15 percent. I submit that American democracy would be sorely tested under such conditions.

It is clear that Haitian progress and political stability is tied very closely to the release of $200 million in Inter-American Development Bank loans which the United States is blocking. Because of the United States Government's action, the European Union has also withheld funds from Haiti. Two great nations, the United States and the European Union.

Our small island neighbors in the Caribbean, called Caricom, have criticized our government because it is depriving the Aristide government of the resources it desperately needs to alleviate human suffering, move the economy and stabilize their society. I think it is ironic that our government has agreed to $380 million in United States taxpayer guaranteed loans to keep American West Airlines in business, but they will not approve $200 million in loans for the Inter-American Development Bank to keep the country of Haiti from collapsing.

I plan to visit Haiti again next week. The gentleman from New York (Mr. OWENS) and I, and several members of the Congressional Black Caucus, have visited Haiti many times. Next week, we plan to go over there on a CODEL with the gentleman from Michigan (Mr. CONYERS), ranking member of the House Committee on the Judiciary, and others of my colleagues. We are trying to seek a way out of this impasse.

It is my hope that the administration will stop treating the nation of Haiti as an enemy. Haiti is not an enemy of the United States, they are not terrorists either, and instead begin to see Haiti for what it is, a poor and fledgling democracy, a needy neighbor, a nation filled with desperate people who, like poor and desperate people all over the world, look to the richest and most powerful Nation on the Earth for help.

We need help. It is in the pipeline for Haiti. And I want to thank my colleague very much for giving me this opportunity to speak just a little while about the poor people of Haiti and about the people in Miami I represent and what their feelings are toward helping this Nation.

Mr. OWENS. I thank my colleague from Florida, and I wish she could remain a minute to have a brief colloquy with me.

Mrs. MEEK of Florida. Yes.

Mr. OWENS. Since I think most Americans do not know it, could the gentlewoman tell us how far away or how close Haiti is to the American mainland?

Mrs. MEEK of Florida. It is very close. I think it is about 90 miles. It takes just an hour by plane from Miami to Haiti. It is the closest democracy to us. Mile-wise, I am not sure exactly the mileage.

Mr. OWENS. Could the gentlewoman also tell us about the Haitian community in Miami? To what extent does the gentlewoman see influences of the drug lords there from Haiti?

Mrs. MEEK of Florida. Well, drugs are a problem in Miami, in that drugs are now being routed into Haiti because it is a poor country, it is a depressed country. Something needs to be done about interdiction. I think our government should intervene in Haiti to keep the drug lords from taking over Haiti. It is very close to the Dominican Republic. They have trouble with the Haitian infusion there. Nassau, the Bahamas, is having trouble because the people in Haiti are very poor.

To answer the question, the Haitian community in Miami is well aware of these problems. They are organizing every day to try to bring these problems we have discussed to the light of this country. So the drug problem is great.

Also, immigration is a problem. And, of course, if situations continue to get worse and worse in Haiti, then they are going to try to migrate to the United States. And when they do that, they come in boats, they come in any way they can get there, and many of them lose their lives. Many of them are washed up on the shores of Miami Beach.

It makes a very bad picture to see these pictures of people who are running from a very poor and deprived country coming to another country, where there is all the good, when America could be extending the loans and the help which they should be giving to Haiti now. Because it would stop people from dying, and it would stop the drug lords from looking at Haiti as being a very lucrative place to peddle their drugs.

So it is a big problem. It is a security risk as long as we allow the drug lords to operate in and out of there. It is a country that has a lot of water around it, and they can deal in drugs and cause drugs to go there.

So we are trying to plead to this country that the $200 million or more that they are holding up is really a detriment. It is not worth it when we could give some relief to that country and sort of delay the infusion of drugs that are there.

So the Haitian community in Miami is a very intelligent community. They are working very hard. They are very industrious. They are also very nationalistic. They love America. They want to become a part of our society, and they have in the past, and they will continue to do so.

I guess what I am saying is that they are aware of these problems. They have really appealed to the government, and my colleague has been a big part of it. When we came up here to appeal to the Clinton administration to do something about the situation in Haiti, they did try. They did send monies to Haiti. They tried to develop a police force.

But I go back to the point that this is a very fledgling democracy, and democracy is not easy. We cannot just give up and back out the first time we have some problems there. And it appears that President Aristide seems to be a problem with many of the people here in the United States, even here in this Congress. It is a very unfair assessment of President Aristide.

Mr. OWENS. If the gentlewoman will answer one more question. It is my opinion that the hostile forces here in Washington, hostile people, the four or five key people with a lot of power, very hostile towards President Aristide's government, are using the election as an excuse, the technicalities of an election, which was not a bad election at all, in my opinion.

The gentlewoman is closer to what happened in Florida, the heartbreaking Presidential election fiasco in Florida. Can the gentlewoman tell us whether she thinks what happened in Florida was far more outrageous and complicated and probably controversial than what happened in the Haitian elections; and that we are moving on and nobody dares to chastise us or penalize us for the election problems that we had in the Presidential election related to Florida.

Mrs. MEEK of Florida. As a matter of fact, I thank the gentleman for that question. The election in Florida was a quagmire of confusion and delusion, in that the election in Florida cannot even be compared to Haiti's elections.

Haiti elections were much better run than the election in Florida. There were so many circumstances that happened in Florida, in this Nation. In this Nation, where we have all the technology in the world, in this Nation where we have all of the leadership in the world, to have an election that some people were denied the right to vote is a travesty of democracy.

The Haitian election was much better run. But did we censor this country because of it? Were we able to get any redress of our grievances? No. Were we able to come before this very Congress to show the situation in the election and show them what a bad situation it was, how it defied democracy? No, we could not get any redress. And it was a well-kept secret, the many, many problems in Florida.

So it is so difficult to even compare it with Haiti. It does not even come up to the standards of the election in Haiti and some of the other underdeveloped countries as well.

So, no, I do not see why we would use that. We are making it a political football because we do not want to help Haiti, and it is strictly political. There are people even in our own Congress who have fought against Haiti for the entire 10 years I have been here.

I have never been so wrought up in my life as I have been coming to this Congress appealing for some help for Haiti. We can get it for other countries, and many of them, in my opinion, who do not deserve as much help as they are getting. But Haiti, one of

the poorest countries in the world, cannot get any because of the political nuances or the political deep-seated feelings and hate and despise people have for Haiti.

I cannot understand it. And it is important that we help America understand that these few people are keeping their foot on the necks of Haiti.

Mr. OWENS. Does the gentlewoman have any immediate recommendations for action that she thinks we could take? I know there will be a CODEL visiting Haiti soon. Are there any other things she thinks we should do right away?

Mrs. MEEK of Florida. Well, I think we should undertake things we undertook in 1992, and we have been working on it for the last 10 years. We should continue to bring this to the forefront of our government, to help our President and his cabinet understand the importance of paying attention to Haiti.

I think it is a matter of helping America understand that we cannot sweep this condition under the rug. We cannot continue to let four or five well-meaning people, who are deliberately, because of their feelings about Haiti, cause people to die in Haiti, cause children to not have clothing.

I think we should continue with the kinds of things the gentleman is doing this afternoon, the kinds of things we do in our meetings back home, the kinds of things we do when we go on the radio, appealing for help. We have to let our leaders understand how important help is to Haiti, how important help is to a nation that is struggling to become a democracy. Haiti is a democracy, and it is a small democracy that is struggling to keep democracy alive. And I repeat, it is not easy.

So what we need to do is to continue to help this country and the leaders in this Congress understand, and our administration. I think they will be better able to help us if we continue to stress it. We must not lean away from it and ease up on the pressure.

So I guess my recommendation is that we keep the pressure on; that groups such as the Congressional Black Caucus, the Congressional Hispanic Caucus, and all the caucuses in this Congress should continue to put pressure. There was a time when we were pressing on the Attorney General of this country to help. I think we should go back again to Attorney General Ashcroft and give him the same kind of briefings that we gave Attorney General Reno and continue that effort to help America understand.

I am saying, in full, that we cannot cease our pressure on the government. That is the only way. We must also continue to seek the Haitian people in this country, in the gentleman's district and in my district, and say to them, look, you must continue to petition your government. It is your government, you must continue to petition them. They cannot sit back and wait on those of us in Congress to do all the work. They must continue the things that they started in 1990–1992 in general.

We do need people to discuss this, to talk about it, to bring it to light in the world. We cannot allow any more to sit back and rest. We are going to Haiti again; we are going to have CODELs there. We are going to come back to the Congress and talk about the situation there.

There is a woman in Miami, a very fine woman, a white woman, who went to Haiti, and she saw what was going on over there.

□ 1515

She came back and she is using her own money because she saw what was going on in Haiti. She is raising money and helping the children in Haiti. She has been here to talk to us. I hope to bring her before a committee to hear what she has done. This is one woman who has undertaken this because of her humanitarian feeling toward the people of Haiti.

Mr. Speaker, if we continue to expose this to our government and appeal to this administration, as we did the past administration, if we continue to ask Haitians who are here in this country who have become Haitian Americans to continue to speak out, I think Haiti will come back to what we think is a true democracy.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from Florida (Mrs. MEEK).

I would like to emphasize a few points, and that is that Haiti is a democracy right now. They have the most democratic government that Haiti has ever had since Haiti was founded. In this hemisphere, Haiti was the second independent nation after the United States became independent. Haiti wanted its independence. The only slave revolt in history that was successful in keeping the oppressors out and establishing their own nation, but it was not democratically run for most of the years of its existence, including the 32 years that the United States Government, the United States Army occupied Haiti.

Then came Francois Duvalier and his son Baby Doc Duvalier, and they were dictators of the worst kind, and yet our government cooperated with them for almost 40 years.

Now we have a democratically elected government, and because of a technicality related to some of the precincts and some of the things that did not go right in the election, we are using that as an excuse for withholding $200 million that was promised 8 years ago when Aristide was first restored as the President of Haiti. That promise was there. And the failure of the Western powers, the United States in the lead, to act has meant that hope has been lost and despair has set in, and now we have an erosion of the faith of the people in constitutional and democratic government. People are desperate, and they are taking out on the high seas to find another place and putting a great deal of pressure on other nations within the hemisphere.

We have not been noble at all in our conduct toward Haiti. The whole United States of America, the great country that it is, has allowed a number of people which I can put on one hand, less than 5 people are responsible for the bottlenecks that have blocked any aid to Haiti. Their own hatred and hostility have held up aid to this nation because of the hostility and personal peeve of a handful of powerful Americans.

Haiti came to our aid in the War of 1812. And throughout the history of Haiti, World War I and World War II, nobody has been able to use Haiti as a base for sabotage to harm the United States.

Like Pakistan, the President used the term that he heard from an American, are we going to get dumped again? Pakistan has had a history of certainly being loyal to the American cause, supporting us in alliances, and the great question is are we going to be ignoble in our behavior towards Pakistan.

President Musharraf has good reason to be concerned. We have done some terrible things to Pakistan. We have held up funds that they had paid for certain fighter airplanes. We did not give them the airplanes back or the money back. They still have not resolved the issue of getting the money back. We should do one or the other. That is a well-known contemptuous act toward the Government of Pakistan that ought to be corrected.

In a broader sense and a more important sense, we have abandoned Pakistan's legitimate request that the question of Kashmir, the territory between India and Pakistan, be settled in accordance with a United Nations mandate. The United Nations called for elections where the population of Kashmir would have the right to determine what they wanted to do, whether they wanted to be an independent state, annexed to India, or annexed to Pakistan. That is a United Nations mandate that is more than 50 years old.

Pakistan is still willing to abide by that mandate. They are willing to take their chances, take the risk of their interests not being dealt with appropriately, but they are willing to have internationally supervised elections. India is not, and our United States of America has abandoned the legal, moral position of asking India to live up to the United Nations mandate.

We are willing to leave the issue on the table and let it be silent. We are not raising it or demanding that something be done immediately. So we have an escalating problem in that area of the world which throws Pakistan off base and keeps it in a position where it has to spend a far greater amount of money on its military than it should be spending; and at the same time, it threatens now the possibility of a nuclear conflict.

Instead of waiting until there is an explosion and something that forces us to pay greater attention to it, why not be noble and moral, why not call for an implementation of the United Nations mandate of supervised elections in Kashmir and take Kashmir off the table as an explosive issue in that area of the world.

Pakistan has a lot of problems. We hope that we are sincere about the aid that is now being designated for Pakistan. I understand that it is between $800 million and $1 billion, which is part of a package related to fighting terrorism, Pakistan's role in our effort to fight terrorism, which is a key role. Without Pakistan's help, I am certain that the present defeat of the Taliban would not have been accomplished with such low cost in terms of human life and American sacrifices.

So Pakistan deserves to be rewarded. We have the package of between $800 million and $1 billion. Are they really going to get it, and are we going to make certain that it flows in a timely manner? The government needs to be boosted right now. The general is here and he is saying, we need economic aid. We need to have something to hold out to our people so that the fringe elements, and there are elements that are very strong. Pakistan is an Islamic Nation. General Musharraf stressed today that it is not a theocracy, but it is an Islamic nation. It has pressure on it from the rest of the Islamic world.

A question was raised with President Musharraf about the fact that the madrasahs, those schools in Pakistan that are run by the clerics, are they going to continue to exist in large numbers, because at those schools we have evidence that the Koran and the basics of literacy are taught, but the only other subject that gets any attention is hatred of the West, and many of the people who ended up in the Taliban camps came out of the madrasahs at an early age in Pakistan. The madrasahs fill a vacuum in Pakistan.

I was in Pakistan for a week because I have a lot of Pakistani American population in my district, and they had asked me to visit Pakistan for some time. I spent a week there. I visited Kashmir as well as several cities in Pakistan. I was primarily interested in visiting schools and observing what is going on in education. We visited the Ministry of Education and a number of different areas where education policy was made.

I must truthfully report that the first and obvious observation is that the Pakistanis use a very small percentage of their budget for education. Education has traditionally suffered in Pakistan. The military gobbles up almost 60 percent of the budget. For many years before that, there was a lot of education on the books that really does not exist by admission of the authorities themselves. They have what they call phantom schools and teachers who were sent checks by the government, but they were not teaching. They have a lot of problems.

They have to come to grips with those problems. For the aid that we give Pakistan, we should get assurances that a large part of that aid will go into education, because the future of the country lies with the improvement of the education of the population starting with literacy, but certainly beyond literacy they have to acquire high-tech skills in order to exist in this modern-day world.

So Pakistan deserves to have as rapidly as possible a deliverance on the aid that has been promised. Pakistan deserves to have as much assistance from the United States Government as we can give. It deserves not to be hidebound and roadblocked by an obsolete approach of AID. AID must take a new approach and be able to be more creative and accept some improvisation.

The President himself pointed out that a Pakistani group outside the country has put together a trustee fund, a fund that will be overseen by private trustees, and that fund is for education. His fund has put 2 billion rupees into that fund, and the fund will be transparent. The public will be able to see how the funds are being spent on education.

I would like to see our government contribute to that fund, regardless of how unorthodox that may be. They should move immediately to try to meet the Pakistanis halfway and try to move the issue of education forward as fast as possible.

The challenge is not nation-building in Pakistan, the challenge is nation preservation. The President of Pakistan has committed himself to moving forward with elections in October. He said this morning that he would not be a candidate, which removes a great deal of tension from the process, but they will have elections in October.

The preservation of democracy in Pakistan would go a long ways toward meeting the objectives of this country in terms of fighting terrorism, and, beyond that, creating a more just, a more civil, a freer world where greater numbers of people have opportunity is the best way to guarantee our own freedom, our own security.

The tragedy of September 11 certainly demonstrated to us how powerful a small group can be in this complex, modern world of ours. You can hit a nerve center like the World Trade Center, and one can cause all kinds of havoc in terms of immediate lives that are destroyed and telecommunications disrupted and impact on a whole business area that may never come back again employing thousands of people. There is an impact on a city in terms of taking revenue away so that New York City has a budget shortfall of at least $4 billion. With one hit, a small group was able to accomplish all this.

We want to minimize these threats. We will never get rid of all of the fanatics in the world. We will have to go to war at some points. We had no choice but to go to war after the attacks at the World Trade Center. Violent war, military war is the only way to deal with fanatics. But we can do so much more to eliminate the possibility of such groups arising either in the international arena or at home, and we are at danger at home of having psychofanatics, people like the bomber of the Oklahoma Federal Building who had no reason that we can clearly see except his mind was all messed up. Psychofanatics do a lot of harm, or we can have small groups that have political agendas or religious agendas out on the fringe who can do a great deal of harm.

□ 1530

We want to minimize the number of people like that. We want to deny those kinds of fanatical groups a breeding ground by having large numbers of people who are positive, who see themselves as having a piece of the American dream, by having unemployed workers who know that their government will not fail them, will come to their aid at a time when they are needed with unemployment insurance, with health benefits. You can remove a festering environment out there where these diseased movements and groups may take place and do it at a low cost.

The war in Colombia is a very expensive war. Americans should pay attention to it. We have appropriated and talked in terms of $1 billion. If you will take a couple of hundred million and move it to Haiti right now, you could avert any possibility of Haiti ever degenerating to the point of where you would have to go remove drug lords in Haiti with military force. There is Jamaica, a large nation, one of the largest nations in the Caribbean after Haiti. They recently had gun battles on the street. The drug lords supplied criminals with weapons, and they were able to drive the police off the street. They had more modern weapons. They had submachine guns and various weapons that frightened the police. You have that kind of situation.

You had another Caribbean nation that despite the fact that the man was a known drug lord, he threw a birthday party and all the top officials of the nation went to the birthday party of the drug lord. He obviously invited them to make a point and he made the point. There is another small nation where a drug lord was responsible for the death of a sheriff. Everybody knows who did it, but they cannot get a jury together. They cannot get a group together to really deal with an indictment and punishment.

The coming power of drug lords in this hemisphere is so great until it deserves special attention and ought to be put on the agenda as we consider a global policy for guaranteeing freedom, justice and constitutional democracy all over the world. It is the best way to fight the Taliban types, the Taliban syndrome. The Taliban syndrome exists in many more places than in Afghanistan in one way or another. It exists in places other than Somalia. It

exists in places other than Iraq, in the ''evil axis'' that has been named. It is only in small quantities now, it will grow, and it need not be. They always depend on chaos that results from people having no more hope, from people refusing to bow in allegiance to any authority, any government.

We know the formula. The formula for fighting the Taliban syndrome is to provide more of our aid and assistance in every way possible short of the military. The military is to be the last resort.

Mr. Speaker, I want to conclude my remarks with a piece that I had written to be placed in the Extension of Remarks in case I did not get this opportunity today. I had written it sometime ago, just finally finished it. It is based on a phrase that President Bush used in his State of the Union address. That phrase has not really been picked up that much. I would like to see it looked at in new terms.

Mr. Speaker, President Bush included several memorable lines in his State of the Union address; however, the phrase which I found most impressive was one that has been largely ignored by the conservative media. He said, ''Let's roll. Let's roll. Let's roll, America.'' I hope that we can all recognize that this is the cry of the lead hero on the passenger jet where unprecedented bravery was exhibited by ordinary Americans.

Remember, there was a jetliner headed for Washington; and the passengers counterattacked against the hijackers, and they forced the plane as a result of their counterattack to crash in a wooded area near Pittsburgh instead of crashing into the White House or maybe the Capitol. We were not sure where that plane was on course for in Washington. At a critical moment, ''let's roll'' was a call to action by a courageous young and modern American mind. I think the phrase ''let's roll'' was captured on the cell phone that that young man was on at the time they made the decision to move against the hijackers.

President Bush was quoting that. I think it went over the heads of a lot of people. I think the symbolism of it is very important. In his address, the President made a broad and sweeping interpretation. He was summing up all that he had said before in his speech when he got to the ''let's roll'' part. You could take everything he said and put it together and say, ''Let's roll on all these fronts. Let's roll in all these areas.''

The tragedy of September 11 has forced America to a crossroads where we must assume the role naturally bequeathed to us as the most powerful Nation that has ever existed. We have recognized now as never before that our way of life, our democracy, our constitutional civilization cannot remain secure unless we address the problem of freedom and justice throughout the world.

As much as it is a military call to action, ''let's roll'' must also be a call for rolling our know-how and technology across the world along with the investment of our enormous amounts of surplus capital. And we must roll our megatons of grain across the world to feed the hungry. By striving to become the most compassionate Nation ever to exist, America has the opportunity to grow and lead mankind forever.

I have condensed my strongly felt sentiments on this matter into an appropriately titled rap poem which I would like to recite. It is called ''Let's Roll America.''

Let's roll America!
Set the tracks of destiny straight,
Don't look back
But close the gate,
Toast the past
But change the cast.
In every language of the earth
To the country of all nations
We have proudly given birth.
At the Olympics of forever
We will win all the races;
We are Great Angels of tomorrow
With magic mongrel faces.
Let's roll America!
Into the grand canyons
Of great deeds to come,
Up to the Sierra's highest peaks;
Be generous philanthropy geeks,
Be fanatic democracy freaks,
All the Founders dared to seek;
Sing loud the hallelujah note,
All our races and women can vote.
America, let's roll!
Stand navy out to sea,
Off we go flying to stay free,
War never leaves us thrilled
But maniacs demand to be killed.
Saddam Hussein Satan's tutored underboss—
Hitler minus the crooked cross
Gleefully calculates the victim loss.
Patrons of peace permitted no breath,
Ayatollahs eat dinner with death,
Bin Laden is the monster of stealth.
The spirit of Gettysburg calls —
Forward to the Normandy walls;
Descendants of John Brown;
Fascists under any flag
We swear to drown.
War never leaves us thrilled
But maniacs demand to be killed.
Let's roll America!
Let kindergartners take a poll,
Full baby bellies
Is our favorite goal,
Usher in the age of soul.
Toast the past
But change the cast;
Come register for the test—
Only the next generation can rest;
God is our honored guest.
Don't look back
But close the gate,
Greed is not great —
Hang the blacksmiths of hate.
Resolve globally to be kind
Leave isolated arrogance behind.
The Romans did fail
Cause their hearts went stale.
Let's roll America!
Full baby bellies
Is our favorite goal,
Usher in the age of soul.
Sing loud the hallelujah note—
All our races and women can vote.
Let's roll America!
Rev up the freedom of Internets,
Focus food cargo on speeding jets,
Roll under dangerous skies
With great grit that never dies.
Volunteer saturation funding
With wasted wealth rotting in locked accounts,
Fortunes mushrooming toward infinite amounts,
Carry capital deep into jungles
Where only Bibles once bothered to go;
Insure the risks of toiling mothers;
Time to help schools and clinics grow,
Pay off some debts that we don't owe.
Compassion tells a star spangled story,
Grandchildren will applaud a new brand of glory.
Let's roll America!
In every language on the earth
To the country of all nations
We have proudly given birth.
At the Olympics of forever
We will win all the races;
We are Great Angels of tomorrow
With magic mongrel faces.
Let's roll America!
Everywhere children at tables smiling
Is our non-negotiable goal,
Usher in the age of soul.
America let's roll!

AMERICA'S STEEL CRISIS

The SPEAKER pro tempore (Mr. CANTOR). Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ENGLISH. Mr. Speaker, I rise today as chairman of the Congressional Steel Caucus to bring before this body the grim crisis facing a major sector of our manufacturing base, a sector which if we allow it to be washed away, if we allow it to leave, if we allow it to go offshore will permanently affect our ability to manufacture within the United States. The crisis that is today facing the American steel industry is one that will be seen and has been seen in many other areas of manufacturing; and I believe in coming years if we do not resolve the steel crisis, if we do not resolve it to the satisfaction of all of those Americans who work in the industry, then I believe we run the great risk of seeing other industries challenged in a similar way.

The domestic steel industry and its current workforce, retirees and their

dependents are at a vital crossroads, Mr. Speaker. Thirty-one steel companies have declared bankruptcy since the steel crisis began in 1998, creating an uncertain future for 62,000 American workers. Thousands of steel workers have already lost their jobs. Pension and health care benefits are in jeopardy for hundreds of thousands of retirees. And now is the time to address this issue and to provide relief for this beleaguered industry.

I want to credit up front the Bush administration for being willing to directly take on this issue, as I will describe in a few minutes. Relief for this industry must be strong and swift in order to stave off a permanent liquidation of the domestic industry. Inaction or a weak action would silence many steel plants, destroy workers' livelihoods, affect their families and their communities while dealing a blow to our national economy and our national security.

I want to applaud the Bush administration for developing a comprehensive steel policy that began with the initiation of a much-needed 201 investigation, using a provision in our law which has been long recognized within the WTO framework. The Bush administration last year launched an investigation under the International Trade Commission to determine the causes and the likely consequences of the crisis facing domestic steel. I want to credit them for having done that, particularly since their predecessors had not been willing to launch a 201 investigation.

But the investigation part, which is now complete, is just the beginning. The 201 action needs to be followed by a concrete plan for reducing overcapacity and dealing with nonmarket forces. And the International Trade Commission's decision as it was handed down by the various commissioners gives the Bush administration the tools that it needs to deal with this problem. Again, I have to congratulate the President for his understanding of this issue and his foresight in bringing together under the OECD many of the producing nations with the objective of coming up with a way of rationalizing our global problem.

But beyond that, we must look at ways to address the industry's legacy cost and clear the way for a renaissance in the American steel industry. Ensuring the viability of the domestic steel industry is going to require a continuation of the cooperative efforts that have developed between Congress and the administration working together with both management and labor.

Let us take a look at the problem, Mr. Speaker. The fundamental cause of the current steel crisis is a massive global, but primarily foreign, overcapacity. The livelihoods of thousands of American steelworkers and their families have been devastated as 31 American steel companies have been forced into bankruptcy, largely as the result of this overcapacity and its effects. Massive foreign steel overcapacity, created and sustained by abusive government subsidies, protected markets and anticompetitive practices and nurtured by soft monetary policies have resulted in a diversion of excess steel products to the United States market. The American steel industry and its workers have over the past many years done a great deal to become more efficient, to become more productive, to become world class; and they have made the sacrifices and the capital investments necessary to do that.

□ 1545

They have taken dramatic steps to reduce capacity and modernize operations, to become a high quality, low cost and efficient steel producer. They have invested more than $60 billion in steel plant modernization to become among the most productive steel producers in the world, with fewer than two man hours needed per ton of steel produced.

One of the red herrings I hear in discussion of steel issues has to do with the allegation by some of our trading partners, and even some among American opinion makers, that the whole problem is one of domestic inefficiency and inability to compete in the world market. That simply is not true. But what is needed is a leveling of the playing field and an opportunity for these companies to compete on a fair basis.

Having made that kind of investment to achieve these advances in productivity, the U.S. steel industry closed numerous inefficient mills, significantly cut jobs and reduced capacity by over 23 million tons. As a result, U.S. productivity as measured by output per worker has nearly tripled since 1980, and that effectively debunks some of the conventional wisdom. But when competing with the unfair trading practices of our foreign competitors, even this is not enough.

In 1999, foreign excess raw steel making capacity was more than two times greater than the total annual U.S. consumption of steel. That is an extraordinary disparity. Much of the world's major steel markets have formal steel import barriers to foreign steel or are subject to international market sharing arrangements by foreign steel exporters.

As a result, the United States has become the dumping ground for the world's excesses of steel, effectively allowing many of our trading partners to export their economic problems to our shores. That is not fair.

The United States, to understand, are, from the standpoint of the world market, the good guys. We let in foreign steel, and normally our market is designed so we would expect to normally import about 20 percent of our steel needs. That is a good thing, and that has helped many of our trading partners. But under the current circumstances, we have seen the level of imports rise to the point that they constitute nearly one-third of our domestic market, and, in this context, the recession has been particularly painful.

As domestic steel consumption has declined, the imports have become more worrisome, and between the Sylla of imports and the Caribdis of decline and consumption, many American steel companies have fallen victim.

Obviously, Mr. Speaker, the steel industry is the victim of predatory trade practices, and we desperately need relief under Section 201 of the U.S. trade laws. The investigation, followed by a strong tariff ruling, represents a milestone in a shift toward a stronger trade policy that insists on a level playing field of trade for domestic producers. This is a huge shift in policy because this Section 201 was initiated by the administration. This initiative also gives the administration the big stick that it needs to bring those countries with excess steel capacity to the negotiating table to fix what is clearly a global problem and to rationalize the global steel market.

I realize many hearing this will wonder, how does that tie in to free trade?

Please, realize I am very strongly pro-trade, Mr. Speaker. But we need to realize that when it comes to steel, we are looking at one of the most distorted market places in the world, and the only place in steel where free trade has been in existence in recent years has been, in effect, in the classroom.

Initiating a broad 201 investigation by the administration firmly underscores the commitment to protecting our steel industry from unfair imports. This administration has clearly shown its willingness to stand up for steel, and we are beginning to see the benefits of that.

Section 201 of the Trade Act of 1974 was established to address cases where domestic industries have been seriously injured or are threatened with serious injury by increased imports. This is allowed under the WTO framework, and it is clearly one of our legitimate trade policy options.

Once petitioned by the impacted industry, Congressional committee or segment of the administration, the ITC determines whether a product is being imported at levels that have or could harm the domestic industry. Section 201 does not require a finding of unfair trade practice, but, rather, depends only on a finding that increased imports are damaging the industry.

In this case, the International Trade Commission determined that damage has indeed occurred and made recommendations for tariffs to the President. The President will make the final decision whether to provide relief and the nature of the relief, meaning granting relief is completely discretionary.

The March 6 deadline for the Bush Administration to make that decision is fast approaching. I call upon the President to look at the needs of our domestic industry, recognize the scope of this problem, and recognize that if

we do not draw a line in the sand here, if we do not stand up for our domestic manufacturers and demand for them a fair break, then steel is not going to be the last industry to be hollowed out.

It is now up to the President to end the abuse of the American market by enacting a strong remedy such as those recommended by Commissioners Bragg and Devaney. Strong relief is necessary in order to return steel prices to their normal pre-crisis levels, and allow American steel companies to make the necessary investments to remain viable and competitive in the future, while providing good-paying jobs for the American worker.

Tariff rates must be substantial in order to ensure that import prices return to market-based levels. The Section 201 remedy must be enforced for at least 4 years to allow the domestic steel industry to make the necessary adjustments to import competition. A shorter duration, I feel, will be ineffective.

Section 201 relief must not replace existing orders under the anti-dumping and countervailing duty laws. Those hard-won concessions under our laws, won by those domestic companies, need to be left in place. If these orders were set aside, any remedy will perversely reward those foreign producers that engage in unfair trade. That is something, Mr. Speaker, we do not in any case want to do.

I believe that relief needs to be comprehensive. We need to apply a consistent tariff-based remedy across all that is essential to the domestic industry and as representing the only fair way to impose relief.

Disallowing the continued abuse of the open U.S. market will give the President the leverage needed during multilateral steel talks and force foreign producers to cut back excess production capacity.

The imposition of tariffs for a 4 year period will demonstrate to foreign producers and governments that the administration is serious about addressing the problem of foreign excess steel capacity. Any talks that are conducted without enforcement capabilities will lack the incentives needed to achieve measurable results.

An effective remedy is the only way to stimulate foreign governments and steel producers to make the difficult decisions that U.S. producers already have made to modernize, eliminate inefficient capacity, and bring stability and balance to the global steel market.

Increases in steel prices have minimal effect on the price of end products because steel constitutes only a small share of the total cost of most products that contain steel. Accordingly, we need not be overly concerned that by providing a measure of fairness to American steel, we are making steel products that we manufacture uncompetitive.

For a typical American car, for example, the increase caused by the imposition of a 40 percent tariff would be about $60. For a refrigerator, the increase would be about $3. That is something that we can afford to pay.

As measured by the Commerce Department, steel's share of total cost is 0.8 percent for construction, 3.4 percent for motor vehicles and parts, 5.4 percent for other transport equipment, 6.8 percent for household appliances, 4.6 percent for electrical industrial apparatus, and, for the highest of Commerce's categories, fabricated metal products, steel's share of total cost is only 15.9 percent.

Since 1995, the price of finished goods has risen 11 percent, while the cost of steel mill products has declined 16 percent. The steel consuming industries who have suggested that relief under Section 201 will not return profitability to the domestic steel industry by raising prices, while arguing that relief will raise consumer prices to prohibitive levels, I believe are arguing an inherent contradiction. But in fact this is simply not true at all.

Their own study has found the complete opposite. A tariff rate quota would artificially set import lids of foreign steel and apply a tariff on any imports above the set limits. Such a remedy would be detrimental to the domestic carbon steel industry and its workers.

Let us look at the impact overall on the industry of this crisis. Entire American communities have been devastated by this import crisis, and we have seen that in Western Pennsylvania. In my district, which is one of the cradles of the modern steel industry in the world, we have seen a significant loss of jobs and other jobs very much at risk. Regions already experiencing hardship as a result of the current recession are being dealt a devastating blow by the massive levels of low-priced imports.

The ripple effect of each lost job in the steel sector is simply tremendous in these communities. The loss of good-paying steel industry jobs directly impacts thousands of workers in other sectors that depend on the steel industry.

The steel industry's use of goods and services in its production process generates considerable economic activity at the intermediate levels. The multiplier effect, for example, the U.S. manufacturing sector, including the steel industry, has one of the highest multiplier effects. For every $1 of a manufactured product sold to an end user, an additional $1.19 of intermediate activity is generated. The multiplier effect for the service sector is a mere 77 cents for every $1 sale.

The steel industry is a major consumer of computers and other high-tech equipment. It is also a major user of transportation industries, such as rail, trucking and shipping, and we have seen a direct impact resulting from the decline of steel on those industries.

Steel-generated demand for key raw materials, coal, coke, iron ore and limestone, provides employment in a number of regions where other jobs are scarce.

Mr. Speaker, the steel industry is also a major contributor to the U.S. tax base, including the tax base of State and local governments.

There is another issue here that is all too frequently overlooked. The steel industry is a significant asset to our national security. At a time when we are effectively at war, this ought to be central to many of our considerations. A healthy domestic steel industry is a cornerstone of our national defense. Steel is an indispensable component of many weapons and weapons systems, as well as the ships, tanks and other vehicles that carry these systems and carry our dedicated troops into battle.

□ 1600

In my district, as an example, Erie Forge and Steel is the sole producer of propeller shafts that are used in Navy ships. They have had a bout with chapter XI bankruptcy, and I am glad to see they have a purchaser; and they appear ready to move on and survive. But many others are facing immediate liquidation.

The President and many other U.S. Government leaders recognize that steel and national security go hand in hand. It is vital to U.S. national economic security, and as well to our homeland security, that America does not become dangerously dependent on offshore sources of supply. For steel, for example, that goes into our energy infrastructure, such as petroleum refineries, oil and gas pipelines, storage tanks, electricity, power generating plants, electric power transmission towers and utility distribution; for steel that goes into our transportation security infrastructure, such as highways, bridges, railroads, mass transit systems, airports, seaports, and navigation systems. For the steel that goes into our health and public safety infrastructure such as dams and reservoirs, waste and sewage treatment plant facilities, and the public water supply system, and for the steel, Mr. Speaker, that goes into our commercial, industrial and institutional complexes such as manufacturing plants, schools, commercial buildings, chemical processing plants, hospitals, retail stores, hotels, houses of worship, and government buildings. We must maintain a viable domestic steel industry if our Nation is truly to be secure.

There is another issue, and we need to recognize it, and it is central to this crisis and that is the issue of legacy costs, one that does not fall evenly on all parts of the steel industry but, nevertheless, is important and vital and central and necessary to be addressed. Two decades of downsizing have created a domestic steel industry that is highly efficient with modern facilities; but the downsizing that occurred to achieve this goal has placed an enormous burden on the industry. That burden includes legacy costs.

Health and pension liabilities for steel workers who lost their jobs or who retired and lost their jobs in some cases as a result of the massive industry downsizing which occurred especially during the 1980s. Legacy costs have put the industry overall at a competitive disadvantage versus foreign competitors whose governments assume these same costs and continue to assume these same costs through socialized medical systems. Congress, the administration, and the industry must continue to work together to address these costs which serve as a critical barrier to industry consolidation. What company is going to buy out and fold into another company if huge legacy costs come with it?

While this is a time of enormous crisis for the industry, it is also a time of unique opportunity. The government often played a part in the initial negotiation of the contracts that build up legacy costs, and so the government should be willing to play a constructive role today in addressing this problem. This is a chance to facilitate important restructuring, allow for significant capacity reduction, and help create an industry poised to compete over the long run with any competitor in the world.

The administration needs to take the lead in developing a plan to address these critical legacy costs which are preventing the industry from restructuring. As chairman of the steel caucus, I think I can fairly say that on a bipartisan basis, we are prepared to work with this administration to try to address that problem.

In conclusion, we have reached a pivotal point in stabilizing the American steel industry and ensuring good-paying jobs for its workers. The Bush administration took the monumental first step, standing up for steel, by initiating a section 201 investigation, which is a critical first step in its overall steel policy. Now, I urge the administration to enact tough tariffs that will truly provide relief for a besieged industry and its struggling employees.

Many of our manufacturers face growing and cumulative competitive disadvantages in the international market. The plight of the steel industry is grim, but both Congress and the administration need to work together and work hard on a bipartisan basis to give employers the tools that they need to be competitive in the global market. Unfortunately, nothing will solve, quote unquote, today's steel crisis, because the damage is already done. Instead, we must seek to apply the lessons learned in today's crisis, put reforms into place so that nothing like this can ever happen again with steel or any other part of our manufacturing base.

Mr. Speaker, I look forward to working with the administration. I hope the President will look at this issue; and I challenge the administration to join us, come up with a creative policy for making this industry viable in the 21st century.

Mr. EHRLICH. Mr. Speaker, I want to commend my Steel Caucus colleagues, especially PHIL ENGLISH and PETE VISCLOSKY, for their efforts to resolve the steel import crisis. This is an issue of great importance to me, my constituents, and the domestic steel industry.

On June 5, 2001, domestic steel producers finally received some good news in their struggle to remain a viable, competitive industry. On that day, President George W. Bush announced a comprehensive initiative to resolve the steel crisis. As part of this important initiative, President Bush directed USTR Representative Bob Zoellick to initiate an investigation under Section 201 of the Trade Act of 1974 regarding the impact of steel imports on the U.S. steel industry.

After conducting an extensive investigation, the International Trade Commission (ITC) confirmed what I and many others have been observing for years: illegal steel imports have caused substantial injury to the American steel industry. Now that the ITC has made its recommendations (most by a unanimous vote), President Bush must decide by March 6, 2002, on the appropriate remedies for our domestic industry.

As a free trader who recently voted for Trade Promotion Authority, I believe the steel crisis provides President Bush with a unique opportunity to save an important American industry, and to put the world on notice that free trade with America does not confer the right to violate U.S. trade laws with impunity. Further, President Bush's enormous credibility and free trade credentials make him the only person capable of resolving the steel import crisis. Accordingly, I have strongly urged President Bush to impose appropriately high tariffs.

In addition to illegal steel imports, the domestic industry must also address legacy costs—the health care obligations of steelworker retirees.

Mr. Speaker, overwhelming retiree health care costs are a result of the massive layoffs that occurred during the 1970s and 1980s. During this time, labor accepted a series of downsizing agreements in exchange for commitments on health care for retirees. In addition, technological advances, which have played a part in making the U.S. steel industry more efficient, have also served to diminish the workforce. Accordingly, more steel is produced today than during World War II, with only 10 percent of the labor pool.

Today, integrated steel producers in the U.S. are at a competitive disadvantage against foreign manufacturers whose governments subsidize health care as well as other elements of their business plans. Equally important is the fact that legacy costs pose a major impediment to the consolidation and restructuring needed for our domestic steel industry to survive.

In sum, under the current financial situation, our domestic steel industry cannot remain competitive in the global market while sustaining its health care commitments. Hopefully, the International Trade Commission's (ITC) recent finding that foreign steel has been illegally imported into America and the expected imposition of high tariffs will provide a foundation for the ultimate resolution of this legacy cost issue.

Mr. Speaker, illegal foreign trade has helped drive 31 American steel companies into bankruptcy causing 16 of them to shut down, and eliminating more than 46,000 jobs. Now more than ever, I urge my colleagues to stand up for the steel industry.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3090. An act to provide tax incentives for economic recovery.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAYNE (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OWENS) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

ADJOURNMENT

Mr. ENGLISH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. CANTOR). Pursuant to the provisions of Senate Concurrent Resolution 97 of the 107th Congress, the House stands adjourned until 2 p.m., Tuesday, February 26, 2002.

Thereupon (at 4 o'clock and 6 minutes p.m.), pursuant to Senate Concurrent Resolution 97, the House adjourned until Tuesday, February 26, 2002 at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5519. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Interest in Rates Payable Under the Montgomery GI Bill-Selected Reserve (RIN: 2900–AK99) received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5520. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard

Components [Docket No. 99F–1581] received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revision of the Visibility FIP for Nevada [NV034–FIP; FRL–7140–6] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Revision to State Implementation Plan; New Mexico; Dona Ana County State Implementation Plan for Ozone; Emission Inventory; Permits; Approval of Waiver of Nitrogen Oxides Control Requirements; Volatile Organic Compounds, Nitrogen Oxides, Ozone [NM–36–1–7372a; FRL–7140–4] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA249–0324; FRL–7134–4] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5524. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the FY 2000 Inventory of Programs, produced by the Interagency Working Group and the FY 2001 Annual Report; to the Committee on International Relations.

5525. A letter from the Mayor, District of Columbia, transmitting a copy of the report entitled, ''The Comprehensive Annual Financial Report Fiscal Year 2001,'' pursuant to D.C. Code section 47—119(c); to the Committee on Government Reform.

5526. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5527. A letter from the Managing Director, Federal Communications Commission, transmitting a copy of the FY 2001 commercial inventory submission; to the Committee on Government Reform.

5528. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting a report on Year 2001 Commercial Activities Inventory; to the Committee on Government Reform.

5529. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, ''The Pay of Bureau of Prisons Federal Wage System Employees'' prepared in response to House Report 107–152, which accompanied H.R. 2590 (enacted as Public Law 107–67, November 12, 2001); to the Committee on Government Reform.

5530. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Washington Plant Hackelia venusta (Showy Stickseed) (RIN: 1018–AF75) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5531. A letter from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of Funding Opportunity to submit proposals for the South Florida Ecosystem Research and Monitoring Program (SFP) [Docket No. 000202024–1248–02; I.D. 100401B] (RIN: 0648–ZA79) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5532. A letter from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—General Grant Administration Terms and Conditions of the Coastal Ocean Program: Announcement of Opportunity [Docket No. 000817236–1268–03; I.D. 100401C] received February 5 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5533. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Disaster Unemployment Assistance Program; Interim Final Rule; Request for Comments (RIN: 1205–AB31) received February 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5534. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Alternate Compliance Program; Incorporation of Offshore Supply Vessels [USCG–2001–10164] (RIN: 2115–AG17) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5535. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Right to Appeal; Director, Great Lakes Pilotage [USCG 2001–8894] (RIN: 2115–AG11) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5536. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Wisconsin and Minnesota [CGD08–01–050] (RIN: 2115–AE47) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08–02–002] (RIN: 2115–AE47) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Cheesequake Creek, N.J. [CGD01–01–225] received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5539. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port Everglades, Fort Lauderdale, Florida [COTP MIAMI–01–122] (RIN: 2116–AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5540. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Pedro Bay, California [COTP Los Angeles-Long Beach 02–002] (RIN: 2115–AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5541. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Hutchinson Island, St Lucia, Florida and Turkey Point Biscayne Bay, Florida City, Florida [COTP MIAMI–01–142] (RIN: 2115–AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5542. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego Bay, CA [CGD11–98–003] (RIN: 2115–AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5543. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Claims Based on Exposure to Ionizing Radiation (RIN: 2900–AK87) received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5544. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Mining Industry Receding Face Deduction—received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5545. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001–52] received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5546. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Foreign Tax Credit Retroactive Claims to Elect the FMV Method of Interest Expense Apportionment—received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTED BILL SEQUENTIALLY PEFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HANSEN: Committee on Resources. H.R. 3208. A bill to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, a well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection, with an amendment (Rept. 107–360 Part I); referred to the Committee on Education and the Workforce for a period ending not later than March 14, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3208. Referral to the Committees on Transportation and Infrastructure and Education and the Workforce extended for a period ending not later than March 14, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MCINTYRE:

H.R. 3761. A bill to establish a program to provide assistance to institutions of higher education serving members of Indian tribes; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. SAM JOHNSON of Texas, Mr. OXLEY, Mr. FLETCHER, Mr. PETRI, Mrs. ROUKEMA, Mr. MCKEON, Mr. CASTLE, Mr. UPTON, Mr. TANCREDO, Mrs. BIGGERT, Mr. KELLER, Mr. CULBERSON, Mr. CALVERT, Mr. KING, Mr. LATOURETTE, Mr. HILL, Mr. REHBERG, Mr. BOOZMAN, and Mr. WILSON of South Carolina):

H.R. 3762. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of the plan sponsor; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself, Mr. BAKER, Mr. BOEHNER, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BACHUS, Mrs. KELLY, Mr. CASTLE, Mr. ROYCE, Mr. NEY, Mr. GILLMOR, Mr. COX, Mr. LATOURETTE, Mr. MANZULLO, Mr. JONES of North Carolina, Mr. OSE, Mr. GREEN of Wisconsin, Mr. TOOMEY, Mr. SHADEGG, Mr. FOSSELLA, Mr. CANTOR, Ms. HART, Mr. FERGUSON, Mr. ROGERS of Michigan, and Mr. TIBERI):

H.R. 3763. A bill to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes; to the Committee on Financial Services.

By Mr. OXLEY (for himself, Mr. BAKER, Mr. BOEHNER, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BACHUS, Mrs. KELLY, Mr. CASTLE, Mr. NEY, Mr. GILLMOR, Mr. COX, Mr. LATOURETTE, Mr. MANZULLO, Mr. JONES of North Carolina, Mr. OSE, Mr. GREEN of Wisconsin, Mr. SHADEGG, Mr. FOSSELLA, Mr. CANTOR, Ms. HART, Mr. FERGUSON, Mr. ROGERS of Michigan, and Mr. TIBERI):

H.R. 3764. A bill to authorize appropriations for the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. THOMPSON of California, Ms. PELOSI, Ms. ESHOO, Mr. HONDA, Ms. LEE, Mr. MATSUI, Mr. SCHIFF, Ms. WOOLSEY, Mr. SHERMAN, Mrs. CAPPS, Mr. FARR of California, and Mr. LANTOS):

H.R. 3765. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Resources.

By Mr. LAFALCE (for himself and Mrs. JONES of Ohio):

H.R. 3766. A bill to establish an Office of the National Insurers within the Department of the Treasury to authorize the issuance of Federal charters for carrying out the underwriting and sale of insurance or any other insurance operations, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELAZQUEZ:

H.R. 3767. A bill to amend section 11 of the Housing Opportunity Program Extension Act of 1996 to facilitate the use of certain assistance made available for self-help housing providers; to the Committee on Financial Services.

By Mr. BALDACCI:

H.R. 3768. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for hiring workers retrained in Trade Adjustment Assistance programs; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 3769. A bill to require disclosure of the sale of securities by an officer, director, affiliate, or principal shareholder of an issuer of the securities of such issuer to be made available to the Commission and to the public in electronic form, and for other purposes; to the Committee on Financial Services.

By Mr. CRANE (for himself, Mr. KLECZKA, Mr. EHRLICH, Mr. STRICKLAND, Mr. HAYWORTH, Mr. CAMP, Mrs. THURMAN, Mr. HONDA, Mr. WYNN, Mr. WHITFIELD, Mr. TIAHRT, Mr. KIRK, Mr. MCNULTY, Mr. MCDERMOTT, Mr. LEWIS of Georgia, and Mrs. WILSON of New Mexico):

H.R. 3770. A bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H.R. 3771. A bill to amend title 38, United States Code, to provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits paid by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GORDON:

H.R. 3772. A bill to amend title 38, United States Code, to provide that veterans who are otherwise eligible for health care provided by the Department of Veterans Affairs shall not lose that eligibility by reason of being held as a prisoner in a county or city jail; to the Committee on Veterans' Affairs.

By Mr. HAYES (for himself, Mr. MCINTYRE, Mr. SHIMKUS, Mr. PAUL, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. BROWN of South Carolina, Mr. BALLENGER, Mr. GOODE, Mrs. MYRICK, Mr. OTTER, Mr. PICKERING, and Mr. BURR of North Carolina):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself and Mr. RANGEL):

H.R. 3774. A bill to amend the Internal Revenue Code of 1986 to provide a credit to promote homeownership among low-income individuals; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3775. A bill to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the ''Dr. Caesar A.W. Clark, Sr. Post Office Building''; to the Committee on Government Reform.

By Mr. KOLBE:

H.R. 3776. A bill to amend sections 562 and 563 of the Immigration Reform and Immigrant Responsibility Act of 1996 to provide for direct Federal payment to hospitals and emergency ambulance service providers of emergency medical care and certain emergency ambulance services for illegal immigrants; to the Committee on Energy and Commerce.

By Mr. MEEKS of New York (for himself and Mr. SOUDER):

H.R. 3777. A bill to amend the Higher Education Act of 1965 to restrict the disqualification of students for drug offenses to those students who committed offenses while receiving student financial aid; to the Committee on Education and the Workforce.

By Mrs. MORELLA:

H.R. 3778. A bill to provide for direct billing for water and sanitary sewer furnished to Federal agencies by the District of Columbia, and direct payment by those agencies to the District of Columbia; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. TOM DAVIS of Virginia, and Ms. NORTON):

H.R. 3779. A bill to amend title 31, United States Code, to allow Federal agencies (including the government of the District of Columbia) to use passenger carriers, owned or leased by the Government, to provide transportation to employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. TOM DAVIS of Virginia, and Ms. NORTON):

H.R. 3780. A bill to clarify the ability of members of the National Capital Planning Commission to serve after the expiration of their terms until successor members are appointed, and for other purposes; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. GILMAN, Mr. JONES of North Carolina, Mr. HORN, Mr. PALLONE, Mr. HINCHEY, and Mr. LANTOS):

H.R. 3781. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE (for himself, Mr. SOUDER, Mr. CALVERT, Mr. CANNON, Mr. RADANOVICH, Mr. BACA, Mr. BEREUTER, Ms. BERKLEY, Mr. BLUNT, Mr. CARSON of Oklahoma, Mr. CONDIT, Mr. GILMAN, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HERGER, Mr. HORN, Mr. NETHERCUTT, Mr. OSBORNE, Mr. PETERSON of Pennsylvania, Ms. SANCHEZ, Mrs. TAUSCHER, Mr. TIAHRT, and Mr. GOODLATTE):

H.R. 3782. A bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to

the Committees on Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself and Mrs. EMERSON):

H.R. 3783. A bill to provide clarification regarding the market name for bison and compliance with section 403 of the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BONO:

H. Con. Res. 331. Concurrent resolution commending the Secretary of Transportation and the Nation's air traffic controllers for their actions to avert further tragedy following the terrorist attacks on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mr. SHIMKUS (for himself, Mr. HINCHEY, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. MCHUGH, and Mrs. KELLY):

H. Con. Res. 332. Concurrent resolution recognizing the United States Military Academy on its bicentennial; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ROHRABACHER, Mr. CROWLEY, Mr. PITTS, Mr. BROWN of Ohio, and Mrs. JO ANN DAVIS of Virginia):

H. Res. 348. A resolution expressing the sense of the House of Representatives with respect to violations in Pakistan of the freedom of individuals to profess and practice religion or belief; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 498: Mr. BARR of Georgia, Mr. GONZALEZ, Ms. WATSON, Mr. TERRY, Mr. STUMP, Mr. SHADEGG, and Mr. HINCHEY.

H.R. 600: Mr. TIAHRT and Mr. WOLF.

H.R. 674: Mr. CROWLEY.

H.R. 690: Mr. THOMPSON of California.

H.R. 746: Mr. LAMPSON.

H.R. 781: Mr. ROSS and Mr. DOGGETT.

H.R. 858: Mr. BARCIA and Mrs. JONES of Ohio.

H.R. 914: Mr. HOBSON.

H.R. 939: Mr. BARCIA.

H.R. 952: Mr. WILSON of South Carolina and Mr. KING.

H.R. 968: Ms. MCCOLLUM.

H.R. 1051: Mr. PRICE of North Carolina.

H.R. 1053: Mr. PRICE of North Carolina.

H.R. 1109: Mr. BROWN of South Carolina, Mrs. MYRICK, and Mr. JONES of North Carolina.

H.R. 1212: Mr. WILSON of South Carolina and Mr. SPRATT.

H.R. 1256: Mr. HINOJOSA, Mr. PALLONE, and Ms. HARMAN.

H.R. 1296: Mr. DEAL of Georgia.

H.R. 1360: Mr. ANDREWS, Mr. PAYNE, and Mr. FERGUSON.

H.R. 1390: Ms. NORTON.

H.R. 1433: Ms. SLAUGHTER.

H.R. 1434: Mrs. MCCARTHY of New York and Mr. HINCHEY.

H.R. 1471: Mr. GANSKE.

H.R. 1475: Mr. KIRK and Mr. STEARNS.

H.R. 1556: Mr. MENENDEZ.

H.R. 1582: Mr. CLYBURN.

H.R. 1723: Mr. THOMPSON of California.

H.R. 1795: Mr. GUTIERREZ and Mr. STUPAK.

H.R. 1810: Mr. LANTOS and Mr. THOMPSON of Mississippi.

H.R. 1994: Mr. ROTHMAN.

H.R. 2001: Mr. BUYER.

H.R. 2051: Mrs. BONO.

H.R. 2114: Mr. TERRY.

H.R. 2117: Mr. PLATTS, Mr. DIAZ-BALART, Mr. LIPINSKI, and Mr. JENKINS.

H.R. 2125: Mr. LARSEN of Washington and Mr. HONDA.

H.R. 2162: Mr. PASTOR.

H.R. 2332: Mr. HILLEARY.

H.R. 2341: Mrs. JOHNSON of Connecticut, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. FORBES, and Mr. SCHROCK.

H.R. 2395: Ms. NORTON.

H.R. 2508: Mr. PLATTS.

H.R. 2537: Ms. CARSON of Indiana, Mr. STUPAK, and Ms. RIVERS.

H.R. 2610: Mr. NADLER, Ms. RIVERS, and Ms. DEGETTE.

H.R. 2629: Mr. ACKERMAN and Mr. BENTSEN.

H.R. 2638: Ms. SANCHEZ, Mr. PALLONE, Mr. RODRIGUEZ, Mrs. BONO, Mr. SOUDER, and Mr. ROSS.

H.R. 2643: Mr. SMITH of Washington.

H.R. 2663: Mr. CANNON and Mr. MATHESON.

H.R. 2695: Mr. OSE.

H.R. 2710: Mr. DICKS and Mr. LIPINSKI.

H.R. 2723: Mr. LANGEVIN.

H.R. 2829: Mr. DUNCAN, Mr. RADANOVICH, Mr. STUMP, Mr. MCINNIS, Mr. CANNON, Mr. OTTER, Mr. TIAHRT, and Mr. SCHAFFER.

H.R. 2868: Mr. LAMPSON and Mr. ENGLISH.

H.R. 2974: Mr. UDALL of Colorado.

H.R. 3113: Mr. ENGEL.

H.R. 3131: Mr. BLUMENAUER.

H.R. 3192: Mr. SERRANO, Mr. TAYLOR of Mississippi, Mr. FROST, and Ms. MCCOLLUM.

H.R. 3236: Mr. DAVIS of Illinois.

H.R. 3238: Ms. BALDWIN and Mr. CAPUANO.

H.R. 3244: Mr. PITTS and Mr. MOORE.

H.R. 3375: Ms. LOFGREN and Mr. CONYERS.

H.R. 3389: Mr. LAFALCE, Ms. ROS-LEHTINEN, and Mrs. LOWEY.

H.R. 3415: Mr. OBERSTAR.

H.R. 3443: Mr. UNDERWOOD.

H.R. 3445: Mr. LANTOS.

H.R. 3446: Mr. LANTOS.

H.R. 3463: Mr. LAMPSON and Mr. WATT of North Carolina.

H.R. 3494: Ms. CARSON of Indiana.

H.R. 3626: Mr. ISAKSON.

H.R. 3634: Mrs. MALONEY of New York.

H.R. 3639: Ms. CARSON of Indiana.

H.R. 3644: Mr. ABERCROMBIE.

H.R. 3657: Mr. KENNEDY of Rhode Island and Mr. HINOJOSA.

H.R. 3670: Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. WU, Mr. OLVER, and Mr. UDALL of New Mexico.

H.R. 3671: Mr. FILNER and Mr. FATTAH.

H.R. 3687: Mr. HOLDEN.

H.R. 3694: Mr. HOSTETTLER, Mr. BRADY of Texas, Mr. CANTOR, Mr. OWENS, Mr. LUCAS of Kentucky, Mr. STARK, Ms. SANCHEZ, Mr. BERMAN, Mr. CONDIT, Mrs. NAPOLITANO, Mr. LEVIN, Ms. SCHAKOWSKY, Mr. ACEVEDO-VILA, Mr. SWEENEY, Mr. ANDREWS, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. PALLONE, Mr. HOLT, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. WEINER, Ms. VELAZQUEZ, Mrs. MALONEY of New York, Mr. RANGEL, Mr. ENGEL, Ms. SLAUGHTER, Mr. LAFALCE, Mr. HINCHEY, Mr. SERRANO, Mrs. LOWEY, Mr. CARDIN, Mr. GREEN of Texas, Mr. SAWYER, and Mr. UDALL of New Mexico.

H.R. 3717: Mr. LATOURETTE.

H.R. 3741: Mr. MCGOVERN, Mr. MCHUGH, and Mr. LATOURETTE.

H. Con. Res. 177: Mr. LANTOS and Mr. ENGEL.

H. Con. Res. 245: Mr. GEKAS.

H. Con. Res. 290: Ms. NORTON.

H. Con. Res. 291: Mr. FLETCHER.

H. Con. Res. 316: Mr. GARY G. MILLER of California and Mrs. MYRICK.

H. Con. Res. 328: Mr. WATT of North Carolina.

H. Con. Res. 329: Mr. PLATTS and Mr. BAIRD.

H. Res. 295: Mr. MASCARA.

H. Res. 313: Mr. SERRANO.

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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, THURSDAY, FEBRUARY 14, 2002 *No. 14*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. I am privileged to present to the Senate, and I do so with great pleasure, our guest Chaplain, Rev. Barbara Spies-Scott, of Hedgesville, WV.

PRAYER

The guest Chaplain offered the following prayer:

Our Father and our God, Creator of Heaven and Earth and all the inhabitants in it, we give You glory, honor, and praise for all You have done for us, even when we don't deserve it. The problems we face today are numerous and difficult. You told us in Luke 1:37 that ''with God nothing shall be impossible.'' You also said in Psalm 33:12, ''Blessed is the nation whose God is the Lord.'' May we humble ourselves and acknowledge You as our Lord and Saviour.

Dear God, the heart of the world is crying for peace, and the Scriptures tell us that You are the Prince of Peace and that we are to strive to be peacemakers. Lord, revive Your work of peacemaking in the hearts and minds of the men and women of this Senate. Give them the wisdom to know what is right and the courage to do it. Strengthen them in body, soul, and spirit. May each one be open to hear Your still, small voice for guidance and direction in every decision they make. May You always be their guiding force. We must, as the most powerful Nation in the world, let God be our guiding force. I pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate is going to proceed shortly to a period of morning business until 10:15 this morning. Thereafter, Senator DODD and Senator MCCONNELL will begin their managing of the election reform bill. They desire this legislation be completed today. It would really be good if we could do that. So I ask on behalf of Senator DODD that Senators who have amendments come and offer them. We had a few that were accepted last night. There is going to be an amendment offered at 10:15 today that will begin these deliberations.

CAMPAIGN FINANCE

Mr. REID. Mr. President, let me briefly say, personally this is a day of celebration for me based upon the fact when I first came down here, campaign finance laws were such that the only money people were able to obtain was the money they would get from individuals. Since then, we have developed this system where people are going around picking up money from corporations. Corporation money should not be part of Federal elections. Enron is a perfect example. I hope everyone will understand what a happy day it should be in Washington as a result of what the House did last night.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein for up to 10 minutes each, and with the first 20 minutes to be under the control of the Senator from North Dakota, Mr. DORGAN, and the Senator from Nebraska, Mr. HAGEL.

The Senator from North Dakota, Mr. DORGAN, is recognized.

THE NEW HOMESTEAD ECONOMIC OPPORTUNITY ACT

Mr. DORGAN. Mr. President, I am pleased to rise today to talk about S. 1860, a piece of legislation I have introduced in the Senate along with my colleague, Senator HAGEL, from the State of Nebraska. I want to describe what this legislation does and what it is.

I ask the Presiding Officer if I could be notified when I have consumed 10 minutes.

The PRESIDENT pro tempore. The Senator will be so notified.

Mr. DORGAN. Mr. President, the legislation we have introduced is the New Homestead Economic Opportunity Act. The President pro tempore will remember well the old Homestead Act in this country. We decided to try to populate the middle of this country well over a century ago by offering land to people who would move to the center of the country and work to improve the land. They would start a farm, start a family, and the Federal Government would give them 160 acres of land. That was called the Homestead Act.

Let me describe what has happened to the middle part of our country in the last 50 years or so and why there is a need for a new Homestead Act now. No, it is not to give land away, because we don't have more land to give away, but to develop unique and different approaches through a New Homestead Economic Opportunity Act.

This is a map of the United States of America. The red areas on this map are the rural counties that have lost at

least 10 percent of their population over the last 20 years. All of these red areas are rural counties that have lost more than 10 percent of their population.

You will see almost an egg shape in the middle of America. The middle part of America is being depopulated. People are leaving. Our rural counties are shrinking.

If you are trying to do business in one of these rural counties, you are in very big trouble; you are trying to do business in a recession and have been for some long while.

My home county is bigger than the State of Rhode Island. When I left it, there were 5,000 people. Now there are only 3,000 people—just to describe to you what is happening in the middle part of our country.

Let me also describe how I came to this county. My county is right here in the corner of North Dakota. How did I get there? A Norwegian widow named Caroline, with six children, got on a train in St Paul, MN, and went to southwestern North Dakota by train, pitched a tent with her family, built a house, started a farm, had a son who had a daughter who had me. That is how I got here. Strong people? Sure.

Can you imagine the strength of this widow with six children deciding, ''I am going to homestead. I am going to North Dakota to start a farm and raise my family.'' What a wonderful thing to have happen, and it happened all across the middle part of our country. That is the way we populated what is now called the heartland in America.

But this population is now leaving. It is shrinking dramatically.

Nearly 70 percent of the rural counties in the Great Plains have seen their populations shrink by a third over the past fifty years. Let me repeat that. Nearly 70 percent of the counties in rural America in the Great Plains have seen their population shrink by a third, despite the fact that in this part of America we have much of what people want. It is a wonderful place to raise a family. It is a wonderful place to live, with great neighbors and low crime rates. It has much of what people aspire to have in their lives. Yet rural counties in the middle part of our country are losing their economic strength, and they are losing their population at a rapid pace.

Some years ago, we had a problem in inner cities in our country called urban blight. The Congress decided to do something about that. A new program was developed called the Model Cities Program. Urban renewal was developed to try to breathe life into major cities of this country that were suffering from very difficult problems.

In introducing this bill, Senator HAGEL and I are saying, we understand that out-migration is a national problem, and we ought to do something in public policy to try to breathe life into these rural areas in the heartland of our country.

What is the heartland about? Let me describe North Dakota, and my colleague, Mr. HAGEL, will perhaps describe Nebraska.

Havana, ND, is a tiny little town. It is not big enough to keep a café unless everybody in town signs up to work for free. There is a sign-up sheet for everyone to volunteer to keep it from going out of business. This is the way the residents of Havana keep this business open in their town.

Sentinel Butte, ND, has a population of 80 people. The owner of the gas station and his wife have reached retirement age. They do not want to be open all day long. They close at about 1 o'clock. They lock the gas pumps and hang the key to the gas pumps on a nail on the front door. If you need gas and they are not there, you take the key, unlock the pumps, pump some gas, and then make a note on a little sheet of paper. That is the way it works in a small town in western North Dakota. It probably wouldn't work very well in a big city, but it works in Sentinel Butte, ND.

In Marmouth, ND, if you need a hotel, there is a hotel. Nobody works in the hotel. You check yourself into the hotel, and you have a good night's rest. When you check out in the morning, you leave your room key and some money in a cigar box that is nailed to the inside of the door. That is the place to stay if you visit Marmouth, ND. It may sound far-fetched, but it is not.

In Tuttle, ND, they lost their grocery store. The city council said: We will have to build our own grocery store. So they built a city-owned grocery store. When they cut the ribbon for the new grocery store, I was there that day, they had the high school band out on Main Street. They closed Main Street to celebrate the opening of a city-owned store in Tuttle, ND.

My point is that these are wonderful places with great people, with great qualities, and with great character. Yet all of the people in these areas are discovering that their population is shrinking and their Main Streets are dying. They are losing the economic vitality and the hope that ought to exist in communities like these.

What can we do about that? Senator HAGEL and I say the Government should play a role here, just as it did when the major cities in our country were in trouble. We have proposed the New Homestead Economic Opportunity Act. We propose that Federal policy embrace the notion that these rural areas in the heartland of America are worth saving as well. Let us provide some incentives to see if we can encourage people to move there or to come back and to live in these areas.

We propose new homestead opportunities saying to young people that if you want to stay in one of these rural counties, which is losing population as defined in the bill, we will forgive up to 50 percent of your college loans by a certain percentage each year—about 10 percent each year for 5 years that you live and work in one of those counties, and help them to rebuild.

We will offer a tax credit for home purchases in those counties that have been shrinking and losing population.

We will protect your home values by allowing you to write off on your income tax the loss of the value of that home.

These days, if you build a home in a small town of 200 people in one of our States—Nebraska, or North Dakota—the minute that home is completed, it is worth substantially less than it cost to build it. That is the way the market works in these small towns because banks and others don't want to finance in those areas. We propose that tax policy help alleviate that.

We would establish individual homestead accounts to help people build savings and have access to credit if they live in these areas. Their savings could grow tax free, and after 5 years they could be tapped into for small business loans, education expenses, first-time home purchases, and so on.

In addition to these homestead opportunities, we propose a new rural investment tax credit that says if you are doing business, investing, and creating jobs in these rural counties, you should be eligible for an investment tax credit because, as a matter of public policy, we want new opportunities for growth in the heartland.

We propose a new homestead venture capital fund to promote business development and growth in these high out-migration areas by making sure they have access to capital in order to grow the businesses they need in order to create jobs. Even if entrepreneurs are willing to work hard and take risks, they can't make it in a county that is losing its population unless they have access to capital.

Again, with respect to the middle part of America that is now losing population, let me say that when we sing that wonderful song, ''America the Beautiful,'' and talk about our country from ''sea to shining sea,'' and as we fly across America and pass over the heartland of our country and the breadbasket of America, we see wonderful values. We see wonderful people who are struggling to live in circumstances where their economy, their communities, and their schools are shrinking.

I graduated from a little school with a class of nine, Regent High School, which closed last year. They had their last high school prom, and then they combined their school with that of a town 14 miles away. It is no longer the little school that I attended.

That is happening all across the heartland. We can see the effect and the change that it causes in small communities. But can we in public policy make a difference? Can we begin to make an effort to change the future of rural America to a future of hope, opportunity, and growth? I think we can.

That is why Senator HAGEL and I have joined in proposing legislation that I think will begin to offer that hope, and that will begin to offer the

people there the tools for economic opportunity and development in the heartland.

I believe there are 10 minutes remaining. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that those 10 minutes be given to Senator HAGEL, and I ask unanimous consent to extend 5 minutes beyond the additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise this morning to join my friend and distinguished colleague from North Dakota to speak about the New Homestead Economic Opportunity Act, S. 1860.

We have heard Senator DORGAN speak of this act, the reasons and possibilities for changes in our lifestyle in our country, and in particular how it has affected the part of America from which Senator DORGAN and I come. But it is not just a heartland issue. This issue of outmigration has received little attention over the years.

North Dakota and Nebraska and other Midwestern States, as you saw from Senator DORGAN's map, have been more affected by this outmigration than most other States. Senator DORGAN talked with me last year about possibilities to not only address the issue but to go beyond just bringing up solutions and go beyond in an area where we think there are expansion opportunities for many people.

Many communities in rural America have not shared in much of the boom that has brought great prosperity to America over the last few years. As we look at the numbers, at least over the last 50 years, we see clearly that the nonmetropolitan counties in the Nation lost more than a third of their population during this time. You contrast this with the fact that during the same period the number of people living in metropolitan areas grew by more than 150 percent.

It is not our intention to restructure, reframe, or in any way try to dominate lifestyles and have a disproportionate effect on where people live and how they live. That is not the point. The point is to offer some incentives that might, in fact, give people more possibilities and more opportunities at a time in the history of our country where quality of life is as important as some of the other dynamics that we, as a nation, as a culture, as a society, have had to deal with over the years: Jobs, how to raise your family, how to take care of that family, education, health care.

So quality of life has become an issue, as it should. We are most blessed in this country that it is an issue. We have conquered most of the great diseases. We have conquered poverty and hunger, not in the world but certainly in this country. So we are now looking at other possibilities as we try to help make the world more just and do more for more people than history has ever recorded one nation having been able to do.

So my colleague from North Dakota and I are exploring possibilities. He noted the 1862 Homestead Act, which I think is somewhat analogous to what we are proposing. In fact, the first claim made under this act in 1862 was just outside Beatrice, NE. That first homestead under the 1862 Homestead Act is still there. It is a national park. We are very proud of that.

But, as I said earlier, as much as we have benefited—the State of Nebraska, the Midwest; and we have benefited mightily from the Homestead Act of 1862—of the 93 counties in Nebraska, 61 of those 93 had net outmigration of at least 10 percent over the last 20 years.

There is no particular mystery as to why we have seen this outmigration. Again, referring to Senator DORGAN's map, which gives a very accurate assessment of what has happened, people will go where there are opportunities. Jobs are a part of that universe of opportunities.

So as Senator DORGAN pointed out, in our legislation that we are proposing, we set out some specific areas that we think people might have an interest in exploring to incentivize their interest in not only the Midwest but all rural areas of America. And they are attached to what is important in our lives: Our families, our friends, our faiths, our sense of voluntarism, and community participation. It is being part of something larger than one's self-interest, a community spirit that in many ways is unique to America. So we would like to, in some way, offer opportunities to renew some of that.

There are currently joint capital formation projects, joint ventures, used in some States—Nebraska happens to have one of them—where, in fact, we can call upon the resources of both the public and private sectors to come together and provide those incentives. That is what we are proposing we do today in startup capital joint ventures, using private and public facilities. Senator DORGAN addressed some of those issues.

Infrastructure in these communities is critical, infrastructure such as roads and water and schools and medical facilities, hospitals, and something that Senator DORGAN has spoken of often, the Internet, access to high-speed Internet that many times we in the Midwest and many rural areas in the country get forgotten.

If we can, in fact, continue to build around and develop those infrastructures, people who want a different approach, who want maybe a style of life that isn't always found or conducive in large metropolitan areas, would have an option. I think it is worth exploring.

I am proud to be part of what Senator DORGAN and I are doing. We would hope others will have some interest as well.

One last point on this.

Later this month, the Lincoln Journal Star newspaper in Nebraska will partner with the Nebraska Educational TV Network to explore issues surrounding outmigration. In fact, the Lincoln Journal Star has done a series of articles which have been very insightful and informative on how we can deal with some of the concepts that Senator DORGAN and I are proposing in this legislation.

This presentation that will be made on educational TV will help frame the problems, solutions, and issues. When that report is completed and that program is aired, I will have that printed in the RECORD because I think it very much focuses on and frames up, in a relevant way, what we are attempting to do with this legislation.

With that, Mr. President, again, I appreciate the time and I appreciate Senator DORGAN and his staff's effort on this issue.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, let me say how much I appreciate working with Senator HAGEL on this legislation. As he indicated, the State of Nebraska has an abiding problem, just as the State of North Dakota, South Dakota, and all of the States up and down the heartland of our country. It is not just our states.

I notice the Senator from Georgia is in the Chamber. Rural counties in Georgia, as well, are shrinking like prunes.

What do we do about that? Will Rogers used to chuckle when he thought about what would get the Federal Government's attention. He said: If you have two hogs that come down with something and get sick in a barn someplace, you will have all kinds of USDA people coming down to find out what is wrong with your hogs. But not much will happen if you have other problems. No one will show up.

I have an example that I would like to share with my colleague from Nebraska. In recent months, we had a little prairie dog fight. I will not go into all of the details. But prairie dogs took over a picnic grounds in the Badlands in North Dakota. They were going to do an environmental assessment. Then they did an EA. They did a FONSI, a finding of no significant impact. They had all these studies going on, and the Federal agencies got all cranked up about the prairie dogs, and they decided to spend a quarter of a million dollars to move the picnic grounds.

I said: Look we are not short of prairie dogs in western North Dakota; we are short of people. My home county went from 5,000 people to 3,000 people in 25 years. The county next to mine is bigger than the State of Rhode Island, and it has 900 people and only had seven babies, in a recent year, born in the entire year. These are counties that are dramatically shrinking, and

losing their economic vitality. Yet you get a prairie dog problem in a picnic area, and the Federal Government mobilizes, and you have all these agencies all juiced up to do something. But what about the fact that the economy throughout the heartland of our country is in desperate trouble, and you can hardly get anybody's attention in government?

What Senator HAGEL and I are saying is, let's go at this just as we did with model cities or urban renewal, and decide that this is not only a North Dakota problem—although it is certainly ours—not only a Nebraska problem—although it is certainly theirs—but that it is a national problem. A century after we populated the middle part of our country through the Homestead Act, depopulation is a national problem.

What has happened to cause the movement of people away from the heartland? A shift of jobs from production of natural resources—farming, mining, and other industries—to work in service or technology-oriented industries that shifted the population in our country.

New industries do not necessarily need to be near the grain elevator or the mouth of a mine. New technologies allow us to make many products with far fewer people, and that includes agriculture.

Free trade agreements have made it cheaper to produce goods overseas. That, too, has shifted population.

What Senator HAGEL and I are talking about is choice, giving people a choice to be able to live in rural America if they choose to do that.

I recently gave a commencement speech to a large class at one of our colleges in North Dakota, and I know most of those students are going to leave the State following their graduation—not because they want to, but because they do not have any choice.

Those young men and women, who represent our best and brightest, are going to leave North Dakota. Many will leave Nebraska. They will end up on the west coast or the east coast or down south. And our States, in my judgment, be weakened because they left. Other States will be strengthened. We want to give them a choice to be able to stay if they would like to stay.

If we want to stop outmigration and try to bring opportunity back to the heartland, we need to do it as a nation, not just for the sake of the heartland States, but for the sake of all our country. By any measure, the rural towns and counties that suffer from outmigration and population loss are still in many respects among the strongest in our country. They have good schools, a high level of civic involvement, extremely low rates of crime, good neighbors, a good life, and are great places in which to raise children. Our Government spends a great deal of time and money trying to emulate these attributes in areas where they don't exist instead of trying to help preserve them in areas where they do exist; namely, rural counties in small-town America.

I know some might say Senator HAGEL and I have this Norman Rockwell notion of small town in our minds, and that is just wonderful, but that it is more nostalgia than it is reality. But I don't agree. In my judgment, public policy has a lot to do with where people locate. We simply want to provide additional choices. Nebraska and North Dakota and many other States just don't have the opportunities that a California, Texas, Massachusetts, or New York has.

For instance, consider that the Federal Government is the largest researcher in the world. Where do most of our research dollars go? Not to Nebraska or North Dakota. The bulk of it goes to four States: California, New York, Massachusetts, Texas. That is where, with these centers of excellence in research serving as anchors, industries and jobs locate. Public policy has a lot to do with where people live.

All Senator HAGEL and I are saying is that we can sit around and wring our hands, gnash our teeth, wipe our brow, and worry about this forever or we can decide to put together an initiative that says, let's try to do something about this shrinkage and outmigration in some of these wonderful places. Let's give people more choices, especially young people, to stay in those areas where they grew up and where they want to live, and provide them with spirit, hope, and opportunity to make their future economy a good economy. We can do that.

That is the initiative we are proposing, one to provide tools and to offer choices to those who are working hard in a wonderful part of America. We introduced the legislation in December. It is S. 1860. It is bipartisan. We will work very hard in the Senate and around the country to see if we can't get America to do for the heartland what it once did for the cities, and to get people to see that something is happening in rural America and that it needs help now. Let's join together and do that.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. We are.

Mr. NELSON of Florida. May I be recognized?

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, the Senators who have just spoken make a most compelling case. I take very seriously my role as Senator, in which I have a responsibility to the rest of the Nation in addition to the wonderful State I have the privilege of representing. What I would like to do is come to their respective States and see these areas where there is outmigration. This is quite a contrast to what I have experienced in the State of Florida which has been just exactly the opposite kind of experience.

As a matter of fact, my home county, Brevard County, in the early 1960s, because of the space race, when the Soviet Union surprised us with Sputnik and then surprised us by launching Yuri Gagarin, one orbit, before we could ever get to sub orbit with Alan Shepard, people were just pouring in, sleeping in cars.

As a result, a lot of development was done in a rush with tremendous mistakes, not attending to zoning and not attending to proper drainage, and so forth and so on. So the experience of Florida has been quite the opposite of their experience.

What I would like to do is to learn from them how I could help them because we are all citizens of the United States of America. I thank them for bringing this issue to the attention of the Senate. I look forward, maybe perhaps this summer, to visiting in their respective States of North Dakota and Nebraska.

CAMPAIGN FINANCE REFORM

Mr. NELSON of Florida. Mr. President, I rise to state that since the House of Representatives, at 3 in the morning, passed the campaign finance reform bill, I want to cast out some markers as the Senate will consider this legislation and no doubt will pass this legislation, my vote included. However, we have to be concerned about the flow of money in politics.

Campaign finance reform is an attempt to try to get soft money out of politics, but this campaign finance reform bill does not totally do that. It comes close.

Soft money, for those who would like a refresher, is campaign donations that are other than personal donations from individuals or from political action committees. For example, a corporate check would be an example of a soft money contribution to a candidate. Under the current law, soft money contributions can flow through the parties. That is where we have seen a great deal of abuse.

The campaign finance reform bill intends to constrict the use of that soft money. It does so by saying that it can't flow through the parties. It can't be coordinated by the campaigns or the campaign committees, such as our Democrat and Republican Senate campaign committees, but it can flow through independent groups with a message or with an issue advertisement which we know becomes just as effective for or against a candidate, almost, as a direct campaign ad that says vote for or vote against candidate A, B, or C.

However, there was an important limitation in this bill I supported vigorously. That was that soft money could not flow through independent groups for purposes of affecting an election through an issue ad 60 days

prior to a general election and 30 days prior to a primary election. That is an important reform.

The caveat is that we created a severability clause that says that if the courts strike any provision of the bill as unconstitutional, the whole bill does not fall. It leaves us with the possibility that the courts could strike the 60-day provision on independent groups.

I hope and pray that the courts will not, that they will see that this is delicately balanced to meet the constitutional test the courts have raised. But if they do, then what we are going to have is unlimited soft money in the future that is going to flow, not through the parties, as we presently have had under current law, but a proliferation of independent groups are going to arise, and campaign soft money affecting elections through the guise of issue ads is going to flow through those independent groups. And I continue to think many of us intend that to be the case. That is the caveat about which we must be concerned. Ultimately, what we should do is try to figure out how to lower the cost of elections.

The House of Representatives, unfortunately, struck the provision that the Senate had included, which said that television time for candidates has to be given at the lowest commercial rate—what is current law but which has not been obeyed. This was to enforce that provision. That was stricken last night as the House of Representatives considered campaign finance reform. That bill is going to be coming to us shortly. No doubt we are going to pass it.

I wanted to lay out these markers and these caveats as we look to a future of trying to clean up campaign finance with new campaign finance reform law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend our colleague from Florida, who has had a longstanding interest in the subject matter. He brings a wealth of knowledge about the intricacies of these laws. As the person who managed the campaign finance reform bill here on the floor of this body, along with the help of my colleague from Nevada, there is a sense of parochial pride in the House action last evening in that the major cosponsor of the legislation, CHRIS SHAYS, is a longstanding friend of mine, a member of the Connecticut delegation, a House member for some 15 years. He has been a dogged advocate of campaign finance reform. So there is a sense in those of us and the overwhelming majority of my constituents in Connecticut, as across the country, who support the notion of trying to get a handle on the issue of campaign financing, a sense of pride in the work of CHRIS SHAYS and the job he did on behalf of the entire country, not just Connecticut.

As was said by others, this is not an end-all, a piece of legislation that will solve all the problems. I express my regret that what I thought may have been one of the most effective pieces of legislation, dealing with the cost of media, was struck from the bill last evening. For those of us in this Chamber who have to go out and raise money to engage in a campaign, the one single item that absolutely drives the cost of a campaign is the cost of media. About 80 cents on the dollar goes to TV and radio advertising, but most of it is TV advertising. There have been literally pioneers and visionaries in the media industry at a local level who have found it in their own business practices to open up their media outlets for an open debate and discussion.

I think, particularly, of a gentleman who owns TV stations in Minnesota, who is a very effective leader in the television industry but has, for years, made it possible for statewide candidates in that State to have some time around the news to express themselves on why they would like to be elected to the office they are seeking. My hope is that we would adopt provisions that would make it possible for candidates to have access.

The airwaves are public property. Maybe I am old school, but I was always raised to believe that. It was a privilege that we extended to people to use the public airwaves. So the idea that the public ought not to have the opportunity to listen to people who are going to represent them, whether a Governor, Congressman, or Senator, is something I find disturbing, that they would object to the notion of having opportunities. I am sorry that was stricken. It is a very good bill over all, and I commend the other body for their leadership, and particularly my friend from Connecticut. Congratulations to my colleague from Wisconsin as well.

Mr. REID. Mr. President, the hour of 10:15 having arrived, we are now to proceed to S. 565.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Is there an amendment pending?

The PRESIDING OFFICER. There is not.

Mr. REID. Mr. President, I am going to offer one shortly.

Mr. President, as Senator DODD mentioned, he managed the bill that allowed us to send the campaign finance reform bill to the other body. I spent a lot of time with him on the floor during that period of time. I have to say, as I said after that debate and vote took place, it was a masterful display of managing legislation.

As a result, a bill was sent over there that I think they had to accept. I say publicly that I look forward to the bill coming back over here. I know that with the guidance of the chairman of the Rules Committee, Senator DODD, we will pass the legislation. There may be some efforts to slow it down, but this is a steamroller.

I must say that that steam was generated over here in this Chamber. There were many efforts to weaken or kill this legislation. I have to give credit to Senator DODD for managing it at that time.

Also present today is the Senator from Wisconsin, my friend, someone who has lived campaign reform legislation. I can't say enough about the moral aspect of this legislation. I remind people here that, in 1998, Senator FEINGOLD was behind in his reelection efforts in Wisconsin. Everyone told him that he likely could win that election if he would allow the Democratic Senatorial Campaign Committee to come to the State of Wisconsin and put money in that State and spend money on soft money issue ads. Senator FEINGOLD is not an independently wealthy man. He, of course, is a fine lawyer, with a great educational background. But he had nothing else to fall back on. He could not just go to a bank account and write big checks. He stared his morality in the face during that short period of time and said, ''No, I don't want that money. I would rather lose the election than depend on something that I don't believe in.''

I say to the Senator from Wisconsin, not only did he not take the soft money, he won the election. Not only did he win the election, he came back with added vigor to work on this campaign finance bill. So I extend to the Senator the congratulations of the people of the State of Nevada, and the people of this country, for being a person who stands for what we all believe in, and that is good government. I think every person in the U.S. Senate believes in good government. But it is not often that a book is written that will stand the test of time in the sense of the morality the Senator lends to this issue. I am very grateful to the Senator from Wisconsin for what he has done on this legislation.

AMENDMENT NO. 2879

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SPECTER, proposes an amendment numbered 2879.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment is dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To secure the Federal voting rights of certain qualified persons who have served their sentences)

At the end, add the following:

TITLE V—CIVIC PARTICIPATION

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(2) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(3) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(4) An estimated 3,900,000 individuals in the United States, or 1 in 50 adults, currently cannot vote as a result of a felony conviction. Women represent about 500,000 of those 3,900,000.

(5) State disenfranchisement laws disproportionately impact ethnic minorities.

(6) Fourteen States disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(7) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(8) In 8 States, a pardon or order from the Governor is required for an ex-offender to regain the right to vote. In 2 States, ex-offenders must obtain action by the parole or pardon board to regain that right.

(9) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. In at least 16 States, Federal ex-offenders cannot use the State procedure for restoring their voting rights. The only method provided by Federal law for restoring voting rights to ex-offenders is a Presidential pardon.

(10) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(11) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(12) The discrepancies described in this subsection should be addressed by Congress, in the name of fundamental fairness and equal protection.

(b) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

SEC. 502. DEFINITIONS.

In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ''correctional institution or facility'' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ''Federal office'' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term ''parole'' means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term ''probation'' means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

SEC. 503. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense.

SEC. 504. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) NOTICE.—A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) ACTION.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice provided under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

(3) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under paragraph (1) before bringing a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

SEC. 505. RELATION TO OTHER LAWS.

(a) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this title shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this title.

(b) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this title shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

Mr. DODD. Mr. President, before we turn to our colleague, I am going to propound a unanimous consent request.

Let me pose this—I will not make the unanimous consent request so staff can check with Members—I would like to get time boiled down, if we can. I know my colleague from Nevada wants to accommodate this. I suggest 45 minutes equally divided. Why don't we try that? If Members believe they can do it in a half hour, that would be even better.

We have a series of amendments, and the hope is—I will state it again—I have been told; I am not going to speak for the leader; I will let my colleague from Nevada speak for the leader or the leader can speak for himself—I am told if we can get this bill done this evening, there is a great possibility there will be no votes tomorrow and Members can head for their States. Particularly Western Senators who may have amendments, I urge you to offer your amendments so we can complete this bill today.

With that, I turn to my colleague from Nevada to see if we can constrain time, and then the Senator from Wisconsin can speak.

Mr. REID. Mr. President, Senator SPECTER and I have moved on this legislation. We have been wanting to do this for a long time. I personally would like 20 minutes. I want to make sure Senator SPECTER, who has not spoken, has all the time he wants. I certainly cannot speak for Senator SPECTER. So I say to my friends, the two managers of the bill, I will be happy to agree to any time limitation, but I have to speak to Senator SPECTER before I do that.

If it is in keeping with Senator MCCONNELL's wishes, I yield to my friend from Wisconsin for a period of 5 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

PASSAGE OF THE SHAYS-MEEHAN BILL

Mr. FEINGOLD. Mr. President, first in light of Senator REID's comments about my personal financing, which were accurate, he is buying me dinner tonight. I thank him for the lovely remarks.

Senator DODD and Senator REID were absolutely critical to the McCain-Feingold bill getting through this body.

They were the two Senators out here every day during those 2 weeks doing an absolutely masterful job managing the bill. It was very tricky. I thank them again. We need your help one more time now that it is coming back to this body. I am grateful.

As we know, in light of the papers and the comments this morning, early this morning the House of Representatives passed campaign finance reform. Thanks to the courageous leadership of CHRIS SHAYS, MARTY MEEHAN, and DICK GEPHARDT, the House voted firmly in favor of reform. The House had to weather a great storm—a storm of lobbying that rained down from the opponents of reform.

Frankly, they tried every trick in the book to kill the Shays-Meehan bill. They tried everything. Mr. President, you saw similar attempts in this House, and you helped us fight them every day.

The proponents of reform tried to love Shays-Meehan to death, they tried to make Members swallow poison pill amendments, and when all else failed, they tried old-fashioned arm twisting to get supporters to back down. But reform supporters did not back down. Instead, they were courageous and they brought about a historic moment for campaign finance reform. This was the time in the House when, as we all know, it really counted. A lot of people said it would not happen because this time, as some said, they were shooting with real bullets. But the House came through, as they have done twice before.

This really was—and I think many Americans feel this way—a soaring moment for democracy. Reform has now prevailed in both Houses of Congress. That is something for which all of us can be proud. With the passage of the Shays-Meehan bill in the House, both bodies have finally acknowledged the will of the American people, and that is that the campaign finance system must be reformed. But passage in the House, however great an achievement, does not quite get the bill to the finish line, as we know. We need to pass the Shays-Meehan bill in this body, and to do that, we need to receive the Shays-Meehan bill from the House of Representatives.

It sounds like a mechanical thing, Mr. President, but as you may recall, we had a little problem in this House with the McCain-Feingold bill being sent over to the House after it was passed. A majority in this body is eager to take up Shays-Meehan, but we cannot pass the bill until we have it in hand.

I urge the House to send the legislation to us today without delay. We cannot get this bill to the President's desk unless we can take it up and pass the legislation in this body. I urge the House to send us the bill so we can get it to the President for his signature.

I also add—and I am grateful for this—I welcome the President's remarks yesterday morning through his spokesperson that the Shays-Meehan bill would ''make progress and improve the system.'' That is what the President's spokesman said. The President seeks a bill that improves the system, and that is exactly what our bill does. I am pleased and delighted the President has signaled his support for our legislation which will finally end the corrupt soft money system once and for all.

I, of course, look forward to working with my friend and partner on this, JOHN MCCAIN, to pass Shays-Meehan in this body and send it to the President. The American people will be watching, as they watched us last year and as they watched the House this week. They want to know whether we can finally do what is right. Can we finally close the door on the soft money system that leaves us so vulnerable to an appearance of corruption? Can we finally say together as legislators, as representatives of our people, the soft money system simply is not worth the risk?

It is time for us to show that we can live up to our role as stewards of this cherished democracy. We have the power to seize this moment for reform, and I really believe we will. We have had a decisive victory this week, just as we had a decisive victory last year in the Senate. Now we have to get this legislation across the finish line so we can ban soft money and begin to restore the people's faith in us and the work we do.

I certainly look forward to working with my colleagues to do that. I am grateful for the time. I thank the Senator from Nevada, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, my friend from New York has indicated he wishes to speak. I will yield to Senator SCHUMER from New York for a period up to 5 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend from Nevada for yielding. I first wish to give kudos and accolades to my friend from Wisconsin for the great job he has done on this issue. It took a particular kind of strength, a particular kind of courage to get this to happen, and he did. He had all of that, and he did. I salute him. The Nation salutes him this morning as we saw what happened on the floor of the House late last night.

I salute my House colleagues, not only, of course, Mr. SHAYS and Mr. MEEHAN and their band, and not only Minority Leader GEPHARDT, but also the new whip, NANCY PELOSI, did a great job in making this happen.

I wish to make two other points. First, is this a cure-all? No. But does it get rid of something that has grown like Topsy and has made the system far worse than what was envisioned when it passed in 1974? Absolutely. To not move forward would have been a mistake.

I join my colleague from Wisconsin in urging that the House send us the bill quickly and that we pass the bill quickly without further debate in the Senate. We all know how this bill has a unique and peculiar way of getting bogged down, for some reasons stated and some unstated. To send the House bill back to us and then we pass it is the way to proceed.

We are really close. We are on the 1-yard line. It has been a long game, and we can declare victory if the House sends us the bill and we just pass it.

I thank you, Mr. President, and I thank my friend from Nevada.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

AMENDMENT NO. 2879

Mr. REID. Mr. President, I recognize the work of Senators DODD and MCCONNELL, and others. Certainly they are the ones who run this committee and are responsible for bringing forward the legislation that is before the Senate and for crafting bipartisan legislation.

The most fundamental premise of democracy—and that is one of the reasons we have this legislation before the Senate—is that every vote counts.

The reality is that votes cast in wealthier parts of the country frequently count more than votes cast in poorer areas because wealthier districts have better, more accurate, more modern, and less error-prone counting machines than poorer precincts and districts. One can see in looking at a State, those counties within a State that have more money have more resources; they have better voting machines, more modern voting machines. The same is true in Nevada.

Reality was thrust upon us, of course, during the 2000 Presidential election after which many Americans justly questioned the trustworthiness of our Nation's electoral process. But even though Florida was beaten up very badly, if that same light had been shone on other States, the same problems would have been seen, as far as I am concerned.

In the last election I was involved in Washoe County, which is the second most populous county in the State of Nevada, a very good, well-intentioned worker in the county in the election department thought she would save a little money and print their own ballots. They did that and saved some money. They did not go to the professional, the same company that sold them the voting machines.

Well, come election time, some of the votes were not counted. They were off one-sixteenth of an inch or less, but the voting machine would not pick up that paper. So thousands of votes had to be hand counted once, twice, sometimes three times.

In that same county, I can remember very clearly, it was a close election. I

had won the election, and I get a call a week or two after the election—there is a recount going on. They found 3,000 ballots they had not counted. When the election is going to be decided by a few hundred votes, that gets your attention.

The attention was focused on Florida, but it could have happened, I believe, in any of the 50 States. Florida may not have handled what they came up with very well after the fact, but I think we have to be considerate and understand that election problems have been around in this country for a long time. What this legislation will do is allow more fair elections, and I think that is so important.

The United States is the oldest democracy in the world, but we can do better. We are an imperfect nation as I have said hundreds of times, imperfect but the best country, with the best of rules, by this little Constitution, best set of rules ever devised to rule the affairs of men and women.

The bipartisan legislation that Senators DODD and MCCONNELL have crafted, while unable to address every single issue and every single problem that was exposed in 2000, takes a giant step in that direction. So I support the efforts of my colleagues from Connecticut and Kentucky and look forward to swift passage of this legislation, hopefully today.

The amendment I have sent to the desk, and I am pleased to recognize that this is bipartisan legislation—I am very honored Senator SPECTER has joined with me in this legislation—and this is an issue that has not received the attention it deserves. Basically what this amendment does is ensure that ex-felons, people who have fully served their sentences, have completed their probation, have completed their parole, should not be denied their right to vote.

When I am doing my morning run, I always listen to public radio. On public radio this morning, they had something called Heart to Heart. It is Valentine's Day and they had examples of different organizations doing nice things for people. I listened to these two law students, two women, who were counseling and trying to teach women who were in prison about the law. They went through the Constitution and taught about the First Amendment rights and such things. Interestingly, during that interview I heard this morning, the women said the one thing they wanted to talk about and the one thing that bothered them so much is they did not know they would not be able to vote when they got out of prison, and they focused on that. That means so much to an American to be able to vote.

We do not have the voter turnout that we should have, but still it is a right that must be protected.

My parents were uneducated. They knew how important it was to vote. I can remember my mother especially, there would be somebody on the ballot and she would say: I know him; Glen Jones.

But she did not know Glen Jones. She had met Glen Jones at some political rally. But I thought she knew Glen Jones and she thought she knew Glen Jones. He was sheriff of Clark County.

Mr. President, I want to tell my colleagues . . . how I became involved in this issue. Some will say there are a lot more important things to do, and maybe that is true. In Las Vegas, we have a radio station KCEP, in a predominantly, African American part of Las Vegas. I went there 1 day to spend an hour taking phone calls, and I made a very brief statement. I took my first call and a woman said:

My brother committed a crime when he was a teenager. He completed his probation and he is now a man in his fifties and he cannot vote. He has never done anything wrong in his life other than when he was a teenager. But, he cannot vote. He supports his family. He pays his taxes. Why should he not be able to vote?

And that one phone call started for an hour people calling in saying: Senator REID, can't you do something about that? They would give example after example.

I could give scores of examples. I cannot remember everybody who called me on that radio station, but I have an e-mail that was sent to me that perhaps illustrates what these radio callers were talking about.

DEAR SENATOR REID: I heard on the news this morning that you are working on some legislation regarding the voting rights of convicted felons. I have a felony conviction from the sixties. I did my time, learned my lesson, and have been a responsible citizen since then. I moved to Las Vegas in 1982 and have lived here since that time. I have been employed all that time. I currently make over $60,000 per year. I own two houses in Las Vegas and 40 acres of land in Utah. I pay my fair share of taxes, both local and Federal, and yet I have no say in my government. I suppose I could hire a lawyer and try to get my civil rights back, but it is very confusing. I would first have to petition California where the offenses occurred, and then petition Nevada.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR REID: I heard on the news this morning that you are working on some legislation regarding the voting rights of convicted felons. I have a felony conviction from the sixties. I did my time, learned my lesson, and have been a responsible citizen since then. I moved to Las Vegas in 1982 and have lived here since that time. I have been employed all that time, currently I gross over $60,000 per year. I own two houses in Las Vegas and forty acres of land in Utah. I pay my fair share of taxes, both local and federal and yet I have no say in my government.

I suppose I could hire a lawyer and try to get my civil rights back. But it's very confusing. I would first have to petition California where the offenses occurred and then petition Nevada.

I registered here when I first came to Nevada and got my ex-felon card. I also registered to vote. In California I was allowed to vote and I though it would be the same here. I did vote for over ten years here and then a few years ago out of the blue I received notice that I no longer could vote. I was devastated. First off I could not see where it even made sense, I was a working property owner who payed taxes and obeyed the laws. (In the past thirty years I have two traffic tickets and that's all). I still feel that I should have the right to vote. I hope that you can accomplish something that will allow me to have some say about the future of this great country.

I feel that it is not only the right of every American to vote. It is also their duty.

Thank you

MELVIN DOUGLAS MINER, Jr.

Mr. REID. He closes by saying he has paid all his taxes and obeyed all the laws. The past 30 years he had two traffic tickets which he paid. He still believes he should have the right to vote. He says:

I hope that you can accomplish something that will allow me to have some say about the future of this great country. I feel that it is not only the right of every American to vote, it is also their duty.

My constituent's name is Melvin Douglas Miner, Jr., and he is not embarrassed by the fact he has done this. He is rendering a service to the people of this country by allowing me to use his letter to me.

There are examples after examples. A man came to me who is almost 80 years old, a successful businessman in Las Vegas, with tears in his eyes, and said: I am going to close up my business and turn it over to my children.

He said: I cannot vote. Every time the election time rolls around I make excuses to my children. I got married late in life. My children are asking me questions even today. I have been able to hide from them the fact that I do not vote is because I cannot vote. Could you do something about it?

There are stories such as there all over. I don't condone people who commit felonies, but I recognize that when people pay their debt to society we should make them part of society. I am not saying the day a person gets out of prison they should be able to vote. But when he gets out of prison and has completed his parole and probation, let him vote.

The right to vote in a democracy is the most basic right of citizenship. It is a right that may not be abridged or denied, by any State, race, color, gender, or position of servitude. It is a fundamental right. It is a glaring example of what our free society represents.

Think about Nelson Mandela. Nelson Mandela spent 27 years in prison. Nelson Mandela as a young man spent his best years in prison. One would think for a man who spent 27 years in prison, many of those years in very squalid conditions, that the most important day of his life would have been walking out of that prison after 27 years, or maybe it was the day he became president of a post-apartheid South Africa. But that is not what he said. The great Nelson Mandela said the most important day of his life was the day he voted for the first time. Think about that.

Millions of people in America cannot vote. They have completed their debt to society. As elected officials who have been given the privilege to serve, we need to recognize the strength of a democracy depends on voluntary participation of its citizens. Low voter turnout is not something we should be proud of; certainly we should not compound that by having people who have fulfilled their debt to society not be allowed to vote.

States have different rules as to when a person can vote if a person committed a felony. In 14 States, ex-felons who have served their sentence, including parole on probation, are denied a right to vote; the 36 other States have various rules. But it adds up to hundreds of thousands and millions of people. Fundamental fairness dictates this policy is wrong.

The amendment that the senior Senator from Pennsylvania and I have introduced today aims to correct this injustice. In these 14 States and other States, the process by which individuals who have fully served their sentences and wish to regain their right to vote is often difficult and cumbersome. Some may have to petition a board and get a pardon. For others, Governors can give them the right to vote. In some States, ex-felons who have completed their sentences must obtain a Presidential pardon. As every Member knows, very few people have the financial or political resources needed.

This disproportionally affects ethnic minorities. According to the Sentencing Project, an estimated 13 percent of adult African Americans throughout the United States are unable to vote as a result of varying State disenfranchisement laws. The rate is, unbelievably, seven times the national average.

In some States, the numbers are more extraordinary. In Florida and Alabama, more than 31 percent of all African American men are permanently barred from ever voting in those States again. In six other States, the percentage of African American men permanently disfranchised is over 20 percent. Given current rates of incarceration, the Sentencing Project estimates that up to 40 percent of African American men may permanently lose their right to vote.

I want to make sure that not lost in this debate is the fact that criminal activity is wrong and must be punished and punished severely. I am for the death penalty. I introduced, in the State of Nevada, legislation that said if you are convicted of a crime and sentenced to life without possibility of parole, that is what it should mean. It should not mean a person gets out in 20 or 30 years. If a jury, with the approval of a judge, sentences somebody to life without the possibility of parole, that is what it should mean.

I believe in strict enforcement of the law. However, I also believe a sentence is a sentence, and when a judge gives somebody 10 years and they get out in 5 years, after 5 years of parole and any probation time they should be able to be voters in the State of Nevada and the rest of this country. Sufficient and appropriate sentences should be imposed upon those who violate our laws. We should not, however, disenfranchise those who have fully completed their prescribed sentences.

We have a saying in this country: If you do the crime, you have to do the time. I agree with that. But if you do the time, and do it completely, why should you have to do more time?

I have a number of editorials, one from October 3, 2000, in the York Daily Record, ''Voting Rights Too long Denied''; Philadelphia Inquirer, September 21, ''A Vote for Fairness, Disenfranchising Ex-felons Was Unnecessary.'' I have an editorial from the Las Vegas Review Journal, ''Felons and Voting Rights, Extended 'Second-class Citizenship' Is Counterproductive.'' I ask unanimous consent these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the York Daily Record, Oct. 3, 2000]

VOTING RIGHTS TOO LONG DENIED

Pennsylvania last week plucked some feathers from a Jim Crow-like law that denied the vote to a disproportionate number of voting-age black men.

Once common in the South, Jim Crow laws were designed to deny blacks the vote. Jim Crow was a demeaning minstrel show character, and it is in his dishonor the laws were named.

Pennsylvania's rules denying recent ex-felons the vote may not have been written with racial intentions, but it had that effect. And because of that effect, the Philadelphia NAACP successfully sued to have the law set aside.

Commonwealth Court President Judge Joseph T. Doyle said he found ''no rational basis'' for Pennsylvania's law. The statute barred convicts from registering to vote for five years after leaving prison with one major exception. Felons who were registered before entering prison were allowed to vote.

Strangely, the law even allowed them to run for office while still serving their sentence. Former Republican state senator Bill Slocum, fresh from a federal pen and on house arrest, is campaigning for his old job on ''work release'' while still wearing an electronic monitoring device. Mr. Slocum has not yet finished his term, and voters should cast their ballots accordingly.

But someone who has paid his debt to society should not be stripped of a right of citizenship for five years, as was the case in Pennsylvania.

Judge Doyle was right to issue a temporary order allowing ex-felons to register to vote in the upcoming election. The law itself should be struck down, and other states have statutes even more in need of change. Those with felony records face a lifetime disenfranchisement in Florida, Alabama, Mississippi, Virginia, Iowa, Kentucky, Nevada, New Mexico and Wyoming—that's 2 percent of all Americans and 13 percent of adult black men.

The nation's war on drugs has claimed a disproportionate number of people of color. Based on current rates of incarceration, 28.5 percent of black males will likely serve time in a state or federal prison for a felony conviction, a rate seven times than for whites.

That doesn't mean African-Americans commit a disproportionate number of crimes. It is necessary to look beyond the surface statistics. Although blacks and whites have about the same rate of drug use, for example, about a third of those arrested for drug offenses are African-Americans. Fifty-nine percent of those convicted are black, and their sentences are almost 50 percent longer than for whites.

Not being able to vote is among the least of the problems in a system so fraught with injustice. But it needs to be addressed.

About 14 million African-Americans had lost their right to vote because of felony convictions. But those statistics will have to be adjusted downward now that 40,000 black Pennsylvanians have regained their right to vote.

State Attorney General Mike Fisher said he will not appeal the court's decision. The newly enfranchised, as everyone else, have until Oct. 10 to register to vote in the November election.

IT'S EASY TO REGISTER

If you didn't vote during the past two federal elections, don't plan to vote on Nov. 4—unless you register to vote.

It's easy to register, there's no fee; and you still have time. But not much.

Forms are available at the Voter Registration Office at 1 Marketway West, at post offices, municipal buildings, from political activists and at libraries. Or pick up your phone and call the Voter Registration office at 771–9604. They'll mail a form to you.

Just make sure the completed form reaches the Voter Registration office by 4:30 p.m. Oct. 10. That's one week from today.

[From the Philadelphia Inquirer, Sept. 21, 2000]

A VOTE FOR FAIRNESS

DISENFRANCHISING EX-FELONS WAS UNNECESSARY

Goodness, what perils must lie in permitting convicted felons to vote after their release from jail. After all, two-thirds of the 50 states limit or even ban felons for life from the voting booth.

Why, convicts might shed their prison blues and rush out to the polls with all manner of wild ideas—like voting for any candidate (should one ever appear) who opposes inhumane prison conditions.

Just imagine the deplorable state of democracy if the nearly 4 million people banned from voting now were allowed to fulfill this duty of citizenship, while rebuilding their lives.

Yeah, right

Disenfranchising felons who served their time is purely a punitive measure. It's surely no deterrent to crime, imagine a thug declining to stick up a convenience store because it might jeopardize his voting rights.

One thing a voting ban might deter, though, is a rehabilitated convict from feeling like part of the community of the law-abiding and feeling a greater personal stake in staying part of it.

Yet tough-on-crime state lawmakers love to mix voting bans in with their mandatory sentencing statutes and the like. The 35 states that prohibit former inmates from voting include Pennsylvania and New Jersey, with Delaware among the 14 with lifetime voting bans.

Sadly, the message society conveys with such measure is that we don't much believe in second chances, much less redemption. That's why it's a relief—if likely temporary—to see a Pennsylvania Commonwealth Court judge talk some sense on this subject.

In a ruling filed Monday, Judge Joseph T. Doyle ruled unconstitutional the 1995 Pennsylvania law that prohibits convicted felons

from voting for five years after their release from jail.

The ban had ''no rational basis,'' Judge Doyle wrote, since it applied only to felons not registered to vote when jailed. For now, the law is dead. And good riddance.

While it might be irresistible for state Attorney General Mike Fisher to appeal, or for Harrisburg lawmakers to attempt constitutional repairs on the law, the best course would be to let the ruling stand. And who knows? Other states might follow that lead.

That's the hope of the Philadelphia NAACP, which aided ex-felons suing over the Pennsylvania law. With African Americans comprising a third of those disenfranchised, the voting bans hit black communities especially hard.

Losing the right to vote while behind bars is an entirely reasonable punishment, since voting is one hallmark of freedom in a democracy. Once convicts have done their time, though, it's in society's interest that they resume the habits of responsible citizenship—such as voting—as soon as possible.

[From the Las Vegas Review-Journal, Apr. 13, 2001]

FELONS AND VOTING RIGHTS

Few would expect to find a photograph of Nevada Sen. Harry Reid in the dictionary of slang next to the phrase ''pretty fly for a white guy.'' Thus, there was some laughter in the audience as Sen. Reid introduced NAACP President Kewisi Mufume to a new conference at the MGM Grand on Monday, asserting, ''He and I are soul brothers.''

Both gentlemen spoke of their ongoing efforts to restore voting rights in federal elections to convicted felons after they have served their sentences. Mr. Mfume said felon re-enfranchisement is currently one of the NAACP's top five priorities. Sen. Reid said he was inspired to push for the reform after a Las Vegas mother told Sen. Reid her son can't vote because of a crime committed 30 years ago.

The NAACP's involvement with this issue comes as no surprise. Thanks to the drug war, a whopping percentage of young black and Hispanic men will have some kind of serious run-in with the law before they turn 30. The Sentencing Project and Human Rights Watch reveals that 13 percent of all African-American males are prohibited from voting.

Even a nonviolent offense can cripple a person's ability to participate in his or her own government for the rest of his or her life—hardly an incentive for good citizenship or involvement in the community.

What is the justification for denying people who have paid their debt to society the right to vote? After all, the rights guaranteed by the Constitution are equal, inseparable and take precedence over any subsequent enactments; they are the highest law on the land. Would anyone assert a felon, once released from prison and having successfully completed parole or probation, has no right to attend a church or temple—to exercise his freedom of religion—until those specific rights are restored in writing by some executive order? Of course not.

Likewise, no one would consider barring former prisoners from writing books or letters-to-the-editor after their release pending issuance of some document formally ''restoring'' this First Amendment right.

This notion that Americans become second class citizens—some of their constitutional rights selectively and permanently impaired—even after they have ''done their time,'' is anathema in a free country, because it accustoms us to a dangerous precedent under which government bureaucrats are empowered to decide which rights shall be ''restored,'' and when.

If Sen. Reid and Mr. Mfume can succeed in restoring these federal voting rights . . . more power to them.

Mr. REID. As I am sure the manager of the bill knows well, the State of Connecticut recently voted to guarantee all ex-felons on probation the right to vote.

Nonetheless, the amendment Senator SPECTER and I have crafted is narrow in scope. It does not extend voting rights to prisoners. Some States do that. I don't believe in that. It does not extend voting rights to ex-felons on parole, even though 18 States do that. It does not extend voting rights to ex-felons on probation, even though some States do that. This legislation simply restores the right to vote to those individuals who have completely served their sentences, including probation and parole.

Finally, this legislation would only apply to Federal elections, but it would set an example for the rest of the States to follow what we do in Federal elections.

Even though we have delegated to the States time, place, and authority, Congress has retained the ultimate authority with ample precedent to set qualifications for Federal elections. We did that with motor-voter registration and others.

The revolutionary patriot, Thomas Paine, said: The right of voting for representatives is the primary right by which all other rights are protected. To take away this right is to reduce a man to slavery, for slavery consists in being subject to the will of another, and he also has not a vote in the election of representatives in this case.

We must do away with Thomas Paine's definition of slavery. People should be able to vote when they have done their time. When Mr. Miner of Las Vegas wrote to me about the fact that he could no longer vote even though he has been a model citizen for 30 years, I am sure he felt and still feels as did Thomas Paine. Those people who called me at KCEP radio, know in their heart that something is wrong. They and their relatives and friends have done their time. They have done enough. They should be able to vote.

This bipartisan amendment, in many ways is similar to the bipartisan compromise reached by Senators DODD and MCCONNELL. It does not go as far as some people would like, but it is certainly a giant step in the right direction. I hope the Members of this Senate would rally around this amendment and allow it to become law.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, with all due respect to my colleague from Nevada, this is an issue for the States, not the Federal Government. Voter qualification is generally a power the Constitution leaves within the prerogative of the States. The Constitution grants States broad power to determine voter qualification. It is highly doubtful that Congress has constitutional authority to pass legislation preempting the states with regard to this issue.

The Ford/Carter Commission agrees with this assessment. The Commission concluded, ''we doubt that Congress has the constitutional power to legislate a federal prescription'' on States prohibiting felons from voting.

In 1974 the Supreme Court held that convicted felons do not have a fundamental right to vote, and that excluding convicted felons from voting does not violate the Constitution. Federal courts have consistently dismissed lawsuits aimed at letting prisoners vote. One court even concluded that the facial validity of felon voting restrictions may be ''absolute.''

Only two States do not impose restrictions on the voting rights of felons. In fourteen States, felons convicted of a crime may lose the right to vote for life. Congress should not interpose itself between the States and their people. As the Ford/Carter Commission said in their report:

[W]e believe the question of whether felons should lose their right to vote is one that requires a moral judgement by the citizens of each state.

This proposed amendment frankly, should fail on the merits. When a person is convicted of a felony, that person should lose their right to vote. Convicted felons have been denied various privileges granted to other citizens going all the way back to ancient Rome and Greece.

Voting is a privilege; a privilege properly exercised at the voting booth, not from a prison cell. States have a significant interest in reserving the vote for those who have abided by the social contract that forms the foundation of a representative democracy. We are talking about rapists, murderers, robbers, and even terrorists or spies. Do we want to see convicted terrorists who seek to destroy this country voting in elections? Do we want to see convicted spies who cause great damage to this country voting in elections? Do we want to see ''jailhouse blocs'' banding together to oust sheriffs and government officials who are tough on crime?

Those who break our laws should not have a voice in electing those who make and enforce our laws. Those who break our laws should not dilute the vote of law-abiding citizens. Fundamentally, Mr. President, as a former Governor yourself, this is a decision made in each State by the Governor, as to whether or not to restore the rights of convicted felons. But in any event, it seems to me a Federal prescription in this area, just as the Ford/Carter Commission concluded, is not appropriate. So I hope we will not seek to preempt this area of State law in the course of our action on election reform legislation.

Mr. President, I know also Senator SESSIONS wishes to speak on this issue. I think he will be here shortly. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the statement of the Senator from Kentucky is very typical of what happens in instances such as this. We have a situation where we have now 36 States that allow felons the right to vote in various but limited ways. I went over some of them. This legislation simply is to correct what I believe are some problems in the law.

In Federal elections, people who have the same qualifications should be able to vote. As I have said, 36 States already allow ex-felons to vote.

It is easy to talk about terrorists and rapists and all that. But the point is that people who are convicted of crimes serve time. Sometimes they serve a lifetime. Those people can't vote. Sometimes people serve 30, 40 years. Sometimes they serve 10 years. Sometimes they are on parole for many years. Sometimes they are convicted and they never go to jail; they are on probation. Whatever the sentence, they should serve it completely. But when they have done so, these people should be able to vote.

It is easy to incite people, saying this is so terrible. Thirty-six States allow ex-felons to vote right now. Is this such a wave-breaking issue?

I think it would be a terrible shame if we sent a message to millions of people in America today—people such as Mr. Miner, who in the 1960s did something wrong, but has since been a good citizen. We have a lot of people who would be better citizens if they could vote.

Categories of felons disenfranchised under State law—some States even allow people in prison who are felons the right to vote. That is the way it is today. Some States allow people to vote when they are on probation. Some States allow people to vote when they are on parole.

I am not doing that. I am saying a person who has completed his sentence and has completed his probation and parole should be able to vote. So I think it is really out of line for my friend from Kentucky to raise all these irrelevant issues, suggesting this is some big new deal that is going to cause problems. My amendment will allow millions of people to vote who deserve to vote.

It goes without saying that one reason this legislation has not been embraced much earlier is that some people are afraid—afraid of unfair and irrational statements made such as those by the Senator from Kentucky. But the fact is all these bad people who are sentenced and jailed shouldn't be able to vote. I said that. But let us not confuse the issue. Once somebody is out of prison and they have completely finished their parole and probation, let them vote. It's the right thing to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURBIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts on an issue of some importance, both as it relates to the traditional role between the States and the Federal Government and with regard to the constitutional role between the Federal and State governments, and then some personal insight into the idea that people who have been convicted of felonies in this country should be mandated the right to vote by the Federal Government in States that may not agree with that idea.

Frankly, people who violate felony laws—this does not include juvenile crimes, it does not include traffic offenses, it doesn't include DUIs, and it doesn't include petty theft and small drug offenses. It deals with people who have felony convictions, many of whom have served time in jail. Historically, we have referred to those people as being outside the law or, in short, outlaws. All the way through the beginning of the United States of America, we have believed that a person who violates serious laws of a State or the Federal Government forfeits their right to participate in those activities of that government, that their judgement and character is such that they ought not to be making decisions on the most important issues facing our country. Virtually every State in this country takes that position to one degree or another.

As a prosecutor for 15 years, I wonder about how those people I helped put in the slammer feel about me. I do not care about them voting on my election. Would it intimidate or discourage or diminish the ability of judges who run for election? Or would a prosecutor who runs for election in some way not be as aggressive? Would it be a concern to them? Would it allow votes to occur against a strong law-and-order candidate that might not otherwise occur? I do not know.

But, for a lot of reasons, our States have decided they do not want to give felons, people who have committed serious offenses in this Nation, the right to vote. That is a common practice in virtually every State in America where they have some restrictions on it.

Sometimes what we do in this Chamber is argue about what we have the power to do. But the other question is, What ought we to do? I think this Congress, with this little debate we are having on this bill, ought not to step in and, with a big sledge hammer, smash something we have had from the beginning of this country's foundation—a set of election laws in every State in America—and change those laws. To just up and do that is disrespectful to them.

At this very moment, in States throughout America, legislatures are discussing under what circumstances felons should or should not be allowed to vote. Some are allowing them to vote in any number of different ways, under certain circumstances, based on what crimes they may have committed, how long they served in jail, how long they have been out of jail, whether or not they seek a pardon and get it, whether or not they have been rearrested. Whatever they decide to do, it is going on in those legislatures.

We have not had hearings, to my knowledge, on this subject.

I am on the Judiciary Committee, which normally deals with those issues. We have not had hearings. We have not had anything but an amendment appear in this Chamber on this subject. It would be unwise for us to presume, after such a short debate, that we ought to just override the laws in every State in America. We should not do that out of respect for them.

Most Americans are familiar with President Ford's and President Carter's work together on any number of issues—a Republican President and a Democratic President. They have had some discussion about these issues. They had a commission that dealt with voting issues. They concluded—I will quote from their report—''we doubt that Congress has the Constitutional power to legislate a federal prescription'' on States prohibiting felons from voting.

In other words, they doubt that this Congress has the constitutional power—not a question of deference or propriety—to do this.

That was a bipartisan commission with two of our elder statesmen for whom people in this country have great respect.

The Supreme Court, in 1974, specifically held that felons do not have a fundamental right to vote and that excluding felons from voting does not violate the U.S. Constitution. That is clear law from the Supreme Court of the United States in 1974, and it has not been altered since.

Another Federal court has even concluded that the facial validity of felon voting restrictions may be ''absolute.''

So there may be one or two States that impose no restrictions on voting, but the overwhelming majority do. And they have given thought to it. Each State has different standards based on their moral evaluation, their legal evaluation, their public interest in what they think is important in their States. That is what I believe we should do. We should follow that.

When we allow a brief moment of debate to alter State historic principles on issues of complexity such as this, we are really stepping beyond our bounds.

I want to stay on the point a little bit about the propriety, about the deference, about the respect this Congress

should give to States. Yes, there are certain steps we take when we believe it is in the overwhelming national interest—particularly when there is a need to have uniformity in rules and regulations—to pass some regulation for health or safety, such as for railroad width or whatever we decide to do. Those things are justified.

But it ought not to come up with some last-minute vote without in-depth hearings, without hearing from secretaries of States around the country, without hearing from State legislators who may have voted on it last month or may have voted on it last year and discussed these very issues and debated them within their States. And we come in now, and we are going to tell them: We do not care what you think. We do not care about your debates. We have not had debate here, but we are going to change our mind. We are going to change the law of America. And anybody who committed acts of murder, burglaries—whatever they did—serious drug offenses, drug dealing, they can all vote now in America.

I am not for that. Somebody else may be. That is a good matter to debate. The question is, Where should it be debated? I say it should be debated where it has always been debated: In the States of America. They have set the voting qualifications for our voters, except for certain major requirements that the Constitution places on them and Federal law requires. But this should not be an expansion now into this category of voting. I strongly oppose it. I think it is a big-time mistake. It is a rush job. It is disrespectful to the hundreds, thousands of State legislators who deal with these issues regularly.

We have not had any serious suggestion, to my knowledge, that the voting process is being gummed up over this rule. It seems to be working well. Each State has its own system for identifying felons and informing them that they are not qualified to vote. To change that now on this bill would be a terrible step. It is something we would regret. If you believe President Ford and President Carter in the commission they established, it would be reversed by the Supreme Court of the United States as being unconstitutional.

When we pass legislation in this Chamber, we have sworn to uphold the Constitution. If we have evidence that it is unconstitutional, we ought not to pass it on that basis, also. So as a matter of policy, respect, and constitutional law, it ought not to be voted for.

Frankly, I do not think the American debate and American policy is going to be better informed if we have a bunch of felons in this process as opposed to them not being in this process. That is my 2 cents' worth.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of legislation which has been offered by the Senator from Nevada, Mr. REID, and myself. Carefully and narrowly crafted, it would authorize ex-felons who have served any prison sentence—for misdemeanors as well—who have fully served their prison sentence, and any parole or probation, to have the right to vote in Federal elections.

The statistics are that there are only 15 States, and the District of Columbia, that have a prohibition limiting all felons from voting. The balance of the 50 States have various provisions that allow ex-convicts to vote in a variety of circumstances. Four States—Utah, Vermont, Massachusetts, and Maine—even allow felons to vote while they are in prison; 14 States, and the District of Columbia, only prohibit felons from voting when in prison; 32 States prohibit felons from voting while on probation and/or on parole.

This amendment would authorize ex-convicts who have fully paid their debt to society to vote in Federal elections, leaving the matter for State elections to be determined by the State.

It is my view that this provision would aid ex-convicts in being reintegrated into society and would be a fair provision on the basic proposition that these people have fully paid their debt to society. I say this with some experience in the field, having been in the prosecution line for some 12 years—8 years as district attorney of Philadelphia, and 4 years before that as an assistant district attorney. In those positions—especially in my early days as an assistant district attorney—having had the opportunity to interview many individuals incarcerated in jail, the first job I received as chief of the appeals, pardons, and parole section of the Philadelphia district attorney's office was interviewing inmates who were under the death penalty, where an application had been made for commutation.

Candidly, it was quite an experience to go to death row and talk to men and women who were under the death penalty—to talk about the offenses for which they had been convicted, talk about what they had done in prison, what they had done by way of trying to rehabilitate themselves, their reasons for believing they were worthy of having the judgment of sentence of death changed.

In the prosecutor's office, it seemed to me that our criminal justice system was not directed in the most efficient way at protecting the public, and that would be to provide for life sentences for career criminals. If you found somebody who was a career criminal—by that, I mean someone convicted of three or more serious offenses—then they get a life sentence. If, on the other hand, you deal with everybody else who is going to be released from jail—and that would be especially juveniles, but anybody else who is released from jail and comes back into society—there, with the rates of recidivism, repeat offenders, society is at risk.

It seemed to me—and I worked on this while being district attorney of Philadelphia, and since in the Senate—we needed to provide what I call realistic rehabilitation. By that, I mean literacy training and job training. If we had this division between career criminals, who commit about 70 percent of the crimes, and the other individuals who are going to be released into society, and made a real effort at rehabilitation with job training and literacy training so they can reenter the community, my professional judgment is that we could reduce violent crime in America by some 50 percent.

I think giving an ex-convict who has paid his or her debt to society the right to vote would be of significant and material assistance to reintegrating that person into society. When somebody comes out of jail, it is obviously a tough line to make it on the outside, and there is a matter of self-worth. There is a matter of where the person stands in society, if society says to that individual, You have paid your debt; we want you to come back and be a law-abiding citizen, and one facet of recognition of your having paid your debt to society is that you are restored in your citizenship the right to vote.

Some have said: What if you are dealing with a rapist? Or what if you are dealing with a terrorist? Or what if you are dealing with a murderer? What if you are dealing with somebody who has had a bad record of violence?

The criminal justice system has evaluated that person. That person has gone through a trial, and that person has been adjudicated guilty. That is the verdict. Then there has been a sentence. Sometimes the sentence is the death penalty. We are seeing more and more people who have been sentenced to death or for long periods of imprisonment being exonerated through DNA tests.

Whatever the procedure is, however the person has been adjudicated by the criminal justice system, once that person has served the sentence and is out of jail, once that person has served probation or parole, as far as the criminal justice system is concerned, that individual has paid his or her debt to society.

Having paid the debt to society, which is the common parlance term, that individual owes nothing more to society. That person, I believe, ought to have the right to vote.

The amendment has been crafted so that it covers only Federal elections, and I think that is a sensible distinction because the Congress of the United States controls voting procedures in Federal elections.

The election reform bill we have before us today is a very significant bill. It will address the concerns we had after the elections in the year 2000 when we had the question of the chads and what were people's intent to vote, and try to produce an electoral system which is calibrated and calculated to reflect the intent of the voters when they do vote.

The bill also seeks to deal with widespread problems of fraud where some people vote in more than one polling place; some people are not entitled to vote. When I was district attorney of Philadelphia, that was a particular problem I had. Philadelphia is a rough, tough city, probably challenged only by Chicago, IL—that might attract the attention of the Presiding Officer. Chicago and Philadelphia have had, I think, unique problems with voter fraud. As DA, I worked on that a great deal, and I am glad to see this bill seeks to address that problem.

The amendment I am addressing has a specific focus on people who have paid their debt to society. It makes sense. I think they are entitled to vote, to have their civil rights restored, and it could be very significant in reintegrating that person into society, saying to that person: You have paid your debt; we recognize you as a law-abiding citizen; you have a duty to remain a law-abiding citizen; we will try to assist on the rehabilitation, try to avoid your repeating a crime, a recidivist, and this is reintegration into society.

I am pleased to join the distinguished Senator from Nevada as being a cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I can from this place in the Chamber, I extend my appreciation to my friend from Pennsylvania and also recognize the fact that a good part of his professional life was spent putting people in jail. He was a very successful prosecutor who sent scores of people to prison for long periods of time.

Mr. SPECTER. If I may interrupt my distinguished colleague, scores is a vast understatement. We had 500 homicides a year in Philadelphia. We had some 30,000 cases a year. When I left the DA's position in January of 1974, I had 165 assistant DAs. We put people in jail in enormous numbers—robbers, rapists, murderers. I tried a good many of those cases myself, 4 years as an assistant DA. I was in the trial courts and appellate courts while DA. I prosecuted murder cases and rape cases.

The problem of violence in America today is overwhelming. In a city like Philadelphia, it is an overwhelming problem. It is also an overwhelming problem in a city like Chicago. I know Las Vegas is a more law-abiding town, and Reno, NV.

We have to tackle head on this problem of violent crime. I would like to see us address more of our attention between dividing career criminals, who commit 70 percent of the crimes, and throw away the book—they ought to be in jail for life; I wrote the armed career criminal bill which passed the Senate providing for life sentences for career criminals caught in possession of a firearm—and the balance of realistic rehabilitation, job training, literacy training, and recognizing them as citizens.

I thank my colleague from Nevada for being the originator of this idea of giving them the right to vote, to help them be reintegrated.

Mr. REID. Mr. President, I say to my friend from Pennsylvania, the reason I mentioned this, historically he is one of the prosecutors we know about in this country. I say that because the two sponsors of this legislation are not people who are soft on crime. I, personally, as I stated earlier today, when I was in the State legislature, introduced legislation to make life without the possibility of parole mean what it says; that if you are sentenced to life without the possibility of parole, that is what it should be.

I want the record to be spread with the fact that REID and SPECTER are for tough sentencing. We will do everything we can to put people in prison and jail who deserve to be in prison and jail. They should complete their sentences, but after that has been done and they have paid their debt to society, shouldn't they have the right to vote? That is what it is all about.

Mr. SPECTER. I thank my distinguished colleague from Nevada for those kind remarks. It surprised me. When I complimented him earlier, I did not know he was in the Chamber. I would have been just as effusive in my compliments, but to have him on the Republican side and to find him on the back bench is a surprise.

I will be glad to work with Senator REID on this amendment. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Virginia.

AMENDMENT NO. 2858

Mr. ALLEN. Mr. President, we are now debating the issue of voting rights. Let's put it in perspective. Yesterday evening, an amendment offered by Senator ALLARD of Colorado, which I cosponsored, was adopted. It is a very good amendment. It improves and clarifies the laws surrounding voting by those who serve in the military.

Senator ALLARD's amendment is certainly needed. We saw in the 2000 election that some voters in our armed services were not able to participate or have their votes counted; in effect, not being able to vote for their prospective Commander in Chief.

The issues we are discussing today are very important, but one of the more important improvements was addressing the needs of our military voters. These are people who honorably serve our country, and we want to make sure the votes they cast for their elected officials are counted. Indeed, their service to protect our freedoms should not diminish their rights to participate in representative democracy.

Senator ALLARD's amendment is an effort to make sure those votes are cast. Some of the postmark problems make no sense when people are overseas and on ships. It also makes sure State and local jurisdictions are better informed of performing their important duties in administering elections fairly.

All of this recognizes the important role of the localities and the States in making sure the elections are administered fairly and, indeed, making sure those who serve overseas can exercise their constitutional right to vote in Federal elections.

Who does the Allard amendment apply to? It applies to over 2.7 million members of the military and their families who are stationed away from their home today in service to the people and the principles of our Republic.

Many of these men and women are residents of the Commonwealth of Virginia, the birthplace of American liberty and indeed home of the first legislative body in the western hemisphere which was formed in 1619, long before this body was formed.

I was proud to lend my name and my voice to Senator ALLARD's amendment because it ensures that those who serve our country honorably and with distinction have their voices heard, not just in Virginia but in every State of the Union.

We go from protecting those who honorably serve to a debate on this pending amendment, which advocates undesirable Federal meddling into the so-called voting rights of convicted felons. Indeed, throughout the Senate, our colleagues care about people across the spectrum of responsibility, from those citizens who are more responsible to even those who are less responsible.

I refer my colleagues to an article recently published in the Fredericksburg Free Lance-Star on February 5 of this year which deals with the issue of voting rights for felons in Virginia and has been mentioned by both its proponents and its opponents. The various States have differing approaches to the restoration of voting rights or any rights to those who have been convicted of felonies.

Now I will say that in Virginia—before I get to this article—having been Governor of Virginia, I took the responsibility very seriously when reviewing the petitions of those who had been convicted of felonies. It struck me in a very interesting way. In the midst of a campaign, I was down in Buchanan County, which is far southwestern Virginia. It is on the Kentucky/West Virginia border. It is a coal county. I was campaigning early in my campaign for Governor at this country store called Pentley's, which, sadly, has since closed down. At any rate, I went in there shaking hands, handing out cards. It was such a memorable event in that Mrs. Pentley, the lady who ran the store, thought it was wonderful

that a candidate for statewide office actually came to her store, in Buchanan County. She said: You are the most famous person who has come here since the guy who invented 10,000 flushes came here, because he was on TV and we did not have enough money at the time to be on TV.

As I left that store all charged up because she put my little card up, there was a fellow leaning up against the drink machine where the ice is kept, and he said: I like you. You are a good guy.

I said: Well, thank you. I hope you will vote for me.

He said: Well, I cannot.

I said: Well, why not? Are you not registered?

No, I am not registered.

I said: Why not?

He said: I cannot get registered.

I said: Of course you can. What is your excuse? What are you, a convicted felon?

He said: Yes.

I said: Okay. Well, talk to your friends and neighbors and folks you might influence.

With this, I left and I told this story all around Virginia.

Fortunately, I was elected by the good people of Virginia to serve as Governor, and I thought it was always important to take the Governor's office to the people, so I said: Let's go back to Pentley's Store and thank Mrs. Pentley for all her inspiration. Mrs. Pentley does not know how much I would talk about her.

We were in an RV. As we got out of the RV—this was 2 or 3 years later—there was this same fellow who looked as if he had grown some teeth and had a nicer shirt, one that did not have a hole in it. He said: Do you remember me?

I said: I sure do. I do remember you. You are looking good today.

He said: I voted for you.

When you win an election, everyone says they voted for you.

I said: I do remember you. You told me you were a convicted felon. I know you could not have voted for me.

He said: But I did.

I said: What happened? Did Governor Wilder restore your voting rights?

He said: Yes, he did, and I voted for you.

That is a personal story about treating everyone with dignity and respect. Who would have known that Governor Wilder, who is not in the same party I am, would have restored this gentleman's right to vote before the election and he voted for me?

In Virginia, I would look at these situations very seriously, not just because of this gentleman in Buchanan County but because those who petitioned me would talk about their sacred right to vote.

Let's look at how Virginia is compared to other States. Virginia is 1 of 10 States that permanently prevent—and this is according to the Fredericksburg Free Lance-Star in Fredericksburg—ex-felons from voting. Alabama, Delaware, Florida, Iowa, Kentucky, Mississippi, Nevada, New Mexico, and Wyoming are others. Maryland cuts it off for second-time felons. That does not mean their rights can never be restored. Their rights can be restored.

In Virginia, this is not an issue of first impression. It is being debated now as it has been for many years. In fact, in 1982, in Virginia, there was a referendum asking voters to let the State legislature, rather than the Governor, restore the voting rights of felons. The people of Virginia voted on whether or not to ease this process, which I will say is fairly cumbersome and it failed by nearly 300,000 votes.

This amendment, if it were to become law, would abrogate the express will of the people of Virginia and also the will of many other States, whether it is by a referendum or by their elected State legislatures.

In the Commonwealth of Virginia, the legislature recommended streamlining the petition process for nonviolent felons who did their time, finished probation, and waited another 5 years. It would have allowed the local circuit court to restore those rights, taking that burden off the Governor.

Of course, many ex-felons did get their rights back. There is the record of my successor, he restored the rights of 210 people during his 4-year term. That is less than half of what was restored during the previous three administrations. While I was Governor, I restored 459 ex-felons' rights to vote.

The understanding of who is best in a position to administer these laws and determine when ex-felons ought to have their rights restored, clearly lies with the States. This amendment, if passed, would preempt the States with regard to this important function.

The Ford-Carter Commission agrees with this assessment. The Commission concluded: We doubt Congress has the constitutional power to legislate a Federal prescription on States prohibiting felons from voting.

Virginia allows ex-felons to petition for restoration of voting rights 5 years after they have completed all of their probation or all of their parole. If they have been convicted of a drug offense, it is 7 years, because there are people who not only commit crimes, but they repeat crimes. Also, if the offense is related to drugs, you want to make sure they are completely off their addiction to drugs.

The things most Governors would look at, regardless of party, is what kind of life has the ex-felon led since serving their time? I would consider whether or not they were involved in wholesome community-based activities, or just leading the life of a law-abiding citizen and not committing any crimes.

Governors will want to see what kind of a positive life the person has led since leaving prison. The petitioner would oftentimes write to me explaining why they wanted their rights restored. As Governor I considered that in my assessment of each individual case as well.

Another thing missing from this amendment is the issue of restitution and court costs. I always looked at restitution and court costs in my assessment.

In Virginia, I cared a great deal about restitution and court costs. With regard to some of these folks, you would say, well, these are not important crimes. But embezzlement, to the extent there can be restitution, that is usually ordered by a judge in sentencing. You would want to see if restitution has been made. You would want to see if they have paid back their court costs. If it were a robbery or a burglary, you would want to see if restitution has been made. There are certain situations where, as a condition of probation or suspension of a sentence, they want medical costs associated with the rape or malicious wounding to be paid.

None of that is in this amendment. It is only probation and the parole. But restitution and the payment of court costs ought to be considered. At least I considered it as Governor.

The reason why people want rights restored is interesting. Generally, there are three categories. One is they want to feel like a full-fledged citizen again. They have led a good life. They want to be part of the community. Some of it was job-related. They have not had their rights restored. They wanted their kids to feel better about themselves.

A second reason they want to vote is to participate in elections. The third reason, as often as the rest, is to go hunting. When you lose your rights, you lose your right to carry a firearm. I suppose you could throw rocks at deer, but usually people want a shotgun or a rifle to go deer or duck hunting.

Now the Federal Government in this amendment is saying that the States will have to restore rights, notwithstanding the will of the people, notwithstanding the prerogatives of their duly elected representatives in the legislature. For Federal elections only, you will have to allow them to vote.

In the Commonwealth of Virginia, the Commonwealth of Kentucky, and maybe a few other States, our State elections are different than Federal elections. You will need two sets of registration for the State elections and local elections. To keep the laws in place in Virginia or any other State, there are dual roles for registered voters that would be a cost to the States and localities.

In Virginia, where Federal elections do not run at the same time as State elections, this is probably not too big of an issue. But imagine in the States where Federal elections and State elections are conducted at the same time. That is undoubtedly true in over 40 States. There will be two sets of ballots for people to use when they vote. If

they want to keep their rights and prerogatives and reflect the desires of the people of their State, two ballots will be needed. When you have Federal and State elections, there are names of Presidential candidates, candidates for Congress, maybe the Senate, along with State legislators, Governor, Lieutenant Governor, whoever else is being elected. We will need a separate ballot for those who have the right to vote in State and Federal, and a separate ballot for those only in Federal elections. In effect, what we would need at the polling place is a separate voting booth.

I guess we would have an ex-felon voting booth where they would only vote in Federal elections, while the vast majority of the other voters would vote in the others.

This causes a great deal of unnecessary cost and imposes many impractical problems on the State. The goal of the bill is to help voting fairness in the States, respecting the rights of States, not putting on unfounded mandates as has been done previously. This amendment will cause consternation and confusion.

Most importantly, understanding the basic jurisdiction, I object to this amendment in that it usurps the rights of the States. It usurps and preempts and dictates contrary to the will of the people not only of the Commonwealth of Virginia but it exceeds the scope and breadth of what the Federal Government should be involved in.

I hope my colleagues will allow this issue to be properly debated in the way the framers of our Constitution thought it should be debated and decided. That is, in the State legislatures, as opposed to meddling from the Federal Government.

We care about the voting of military personnel overseas. I don't see where we have any business meddling in trying to get ex-felons the right to vote.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I missed part of the Senator's remarks. I ask the Senator from Virginia, I believe he raised the issue, how this would work in a year in which there were both Federal candidates on the ballot and State candidates on the ballot. Did the Senator from Virginia discuss that issue?

I am having a hard time figuring out how it could possibly work. Does the Senator from Virginia have any thought about that?

Mr. ALLEN. I say to the Senator from Kentucky, my good friend from the Commonwealth of Kentucky, born in Virginia, formerly a part of the Commonwealth of Virginia and voluntarily seceded, as well as the President's State of Indiana, regardless, the States, for a variety of reasons, have State elections different from Federal elections. So not to have undue Federal influence or national issues affecting issues that matter most to people in those communities and localities, you would still have a problem. Over 40 States run Federal elections at the same time as they run State and local or perhaps even municipal elections.

In the event that the people in the States who are perfectly capable of debating and deciding this issue as they see fit for people who have raped, murdered, robbed, or maliciously wounded individuals in their States and been convicted in their State courts. In the event they want to keep their law in effect, what will have to happen is you will have to have a role of registered voters for Federal elections only and a role of voters who are registered for all elections.

Then when you go into that election, assuming the States—once you actually conduct the election on election day—want to keep their rules where restitution is important, in a period of years to show they are leading a good life. Whatever the reasons, they want to do what they think is right, as opposed to what people in Washington think is right for them. Assuming they want to do it, you have to have a separate voting booth. The ballots in those States, where you have Federal and State elections the same year, all the names on there—Members of Congress, a President in Presidential year, as well as, the Governor, State representatives, and so forth—so you will need a separate voting booth.

Mr. MCCONNELL. So it will be a voting booth for felons?

Mr. ALLEN. Ex-felons. I don't think the proponents want to go so far as felons but ex-felons, which would be, I think, a nightmare and insulting, as well.

Mr. MCCONNELL. Whereas under the current system, is it not true, I ask the Senator and former Governor, there is a procedure for getting the rights restored, which many people who have served their time go through, and is it not typically the case that Governors review those and restore rights from time to time based upon the record?

Mr. ALLEN. I say to my friend, the Senator from Kentucky, and I expect the President may have done this, as well when he served as Governor of Indiana, as Governor, at least in our State, you get many petitions. Some are to restore rights, and also some to say that they never committed a crime and they want an absolute pardon.

Every Governor has a conscience to do his or her duty properly. Those governors have the record of the individual telling what he or she has done since the time of serving.

Mr. MCCONNELL. It is true in every State there is an opportunity for someone who has served their time to get those rights restored?

Mr. ALLEN. Correct.

Mr. MCCONNELL. Through a petition.

Mr. ALLEN. In some States, it is not by the Governor. In Virginia, they amended the laws, and nonviolent felons can go to the circuit court for petitioning to have their rights restored.

Mr. MCCONNELL. There is a procedure, so it is not hopeless.

Mr. ALLEN. Absolutely, there is a procedure.

Mr. MCCONNELL. It is not a hopeless situation.

Mr. ALLEN. It is not a hopeless situation. Sometimes it can be cumbersome, and it is time consuming for the Governor as well as those in the Secretary of the Commonwealth's office, the attorney general's office, the Governor's staff and others to assemble this information, and also for the petitioner, as well.

That is part of the price one pays when they commit a felony and they are convicted beyond a reasonable doubt by a judge and a jury of that crime. This is one of the many rights one gives up. I heard this being compared to slavery. It is not like slavery. Slavery is wrong and the worst thing that has ever occurred in this country. It is a willful act. Many of the felony cases were vile, premeditated, deliberate acts to commit a felony—not a misdemeanor, a felony—and this is one of the prices and penalties that one pays. A person loses their liberty, obviously, while incarcerated. To get all of their liberties and rights back, they have to demonstrate good behavior. In each State, that demonstration may be slightly different.

But these are State laws being violated. It is a proper role of the people in the States to determine when these rights should be restored, as well as, under what conditions and circumstances the rights are restored.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Virginia, as a former Governor, for adding his unique perspective on that. I say unique; there are other Governors who have had similar experiences, but I think that does help us understand what I hope will be the conclusion on this amendment. I know it is well intentioned, but it seems to me it should be defeated. I thank the Senator from Virginia for his support and contribution to this debate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I think we are about to vote on this amendment. I believe the Senator from Nevada is going to ask for a recorded vote.

I happen to agree with the thrust of the amendment of my dear friend, offered with the Senator from Pennsylvania, Mr. SPECTER. When people have paid their dues to society, they have completed their probation and whatever else is required of them, the restoration of their rights is something we ought to embrace and encourage. I think it may contribute, in fact, to the rehabilitation of people who may otherwise become recidivists and rejoin the criminal element.

The fact that 36 States have already, to one degree or another, embraced that concept, some more so than others, is an indication of the direction in which the country is clearly heading

when it comes to how we treat former felons, even those who commit crimes that are highly objectionable, to put it mildly, to any average citizen of the country.

I have made an appeal to my good friend from Nevada. We have worked very hard on this bill. One of the features of this bill that I like, offered by my friend and colleague from Kentucky, is the establishment of a permanent commission on elections. We do not attempt to resolve every issue in the election lexicon in this bill. I know there are, among my colleagues, some who feel strongly about having a holiday for election day. Others would like to see election day occur on a weekend. There are good arguments. Some would like to just keep it as it is. We do not attempt, in this bill, to deal with that.

It seems to me we have taken on a lot with this bill. To try to move the process forward I am, therefore, going to urge colleagues, under this circumstance, to put this issue aside for another day.

I urge that the commission itself take a look at the very provisions the Senator from Nevada and the Senator from Pennsylvania have raised; that is, how we might do a better job of restoring the rights of people who have paid their dues to society.

I will be very blunt with my colleagues. My fear is that the adoption of this amendment would provide those who do not like what we have done on all the other parts of the bill a justification for undermining the significant improvements in the election laws of our country. Again, 36 States are moving in that direction; 14 are not doing anything. Some States still make it rather difficult. But it seems to me the trend lines are pretty good for moving in that direction.

My fear is, as I say, from a purely rhetorical standpoint, that I can hear the arguments of people who do not like the minimum standards on provisional voting, statewide voter registration, dealing with access for the disabled community, the right to review your ballot when overvotes occur, establishment of the commission, dealing with some of these other broad provisions. These are major accomplishments and ones I know my friend from Nevada thoroughly endorses.

So I am in a very awkward position because I am attracted to the thrust of what he wants to do, with Senator SPECTER. But my fear is, if this were to be adopted on this bill it would make it very difficult for my friend from Kentucky and I and others to convince people who might otherwise vote for the bill to do so.

With that expression of my thoughts, I will oppose the Reid amendment—not because I disagree with what he is trying to do, but I think this is not the right place for us to be dealing with that idea.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. FEINGOLD. Mr. President, I rise today to support the felony voter reenfranchisement amendment offered by my distinguished colleague from Nevada, Senator REID.

The American people have long recognized voting and participating in elections as one of our greatest rights and responsibilities as citizens. Over the course of our Nation's history many Americans have struggled for this right. African Americans, women, the uneducated, and the poor have all, at some time or another, been excluded from the voting population. Our Nation looks back at these dark times in our history with great embarrassment. All of these groups are now included in our country's great democratic process. But we continue to exclude one other group of American citizens—rehabilitated felons.

In 13 States, a felony conviction can result in disenfranchisement for life. Other States have procedures by which a rehabilitated felon can regain his right to vote. Those procedures, however, often have many hurdles. Several States require a pardon before a person who has served his or her sentence is able to regain the right to vote. Many former felons do not have the financial, legal, or educational abilities to pursue the restoration of their rights.

It is time to eliminate this disparity and to ensure equality in felony voter laws. It is time to create a level playing field so that people who serve their time for felony convictions can regain their right to vote in Federal elections. Senator REID's amendment would reestablish this fundamental right for persons who have fully served their time in prison, and who have completed their probation or parole. Senator REID's amendment would appropriately restore this basic right of citizenship to those who have paid their debt to society.

According to the Americans for Democratic Action Education Fund, an estimated 4.2 million Americans, or 1 in 50 adults, have currently or permanently lost their voting rights as a result of a felony conviction. A majority of these Americans are no longer incarcerated. One million four hundred thousand Americans are ex-offenders who have fully completed their sentences. Another 1.5 million of the disenfranchised are on parole or probation. Only 1.2 million of the disenfranchised are actually still serving their sentences. With the increasing number of persons who are entering our criminal justice system, the number of disenfranchised voters is growing as well.

There are many reasons why this amendment makes sense. Over 95 percent of prisoners will return to our communities after serving their sentences. We return rehabilitated felons to our communities because Americans expect that they will reintegrate themselves as productive citizens. Yet, without the right to vote, rehabilitated felons are already a step behind in regaining a sense of civic responsibility and commitment to their communities. If we want rehabilitated felons to succeed at becoming better citizens, who both abide by the law and act as responsible individuals, then our country needs to restore this most fundamental right.

State disenfranchisement laws also disproportionately impact ethnic minorities. Approximately 13 percent of the African-American adult male population is disenfranchised. This reflects a rate of disenfranchisement that is seven times the national average. More then one-third, 36 percent, of the total disenfranchised population are African-American males. In 10 States, more than 1 in 5 black men are currently disenfranchised. As a result of the current rates of felony convictions and incarceration, it is estimated that in the next generation of black men, 30 to 40 percent will lose the right to vote for some or all of their adult lives. Thirty to forty percent. That is both an astonishing and deeply troubling figure. Constitutional principles of fundamental fairness and equal protection require us to address this discrepancy.

Denying the right to vote should not be a continued punishment for people who have served their sentences. When people are convicted and sentenced for felony crimes, they are expected to serve their time. The disenfranchisement of felons who have completed their court-imposed sentence serves only as a continuing punitive measure.

Given the importance to our democracy of an actively participating citizenry, it should be of great concern to our country that so many citizens are losing one of their most basic rights as Americans: the right to participate in our political process. Rehabilitated felons, who have served their sentences to completion and have paid their debt to society, should be able to exercise this right. Basic constitutional principles of fundamental fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections. Felony disenfranchisement laws that deny the right to vote to people who have served their sentences run counter to these principles. I urge my colleagues to support Senator REID's amendment.

Mr. REID. Mr. President, there is no one in the Chamber—not only in the Chamber, in the Senate—for whom I have more respect than the Senator from Connecticut, but I must disagree with my friend. We are asking people who deserve the right to vote to wait. They have been waiting for too long.

As Thomas Paine said:

> The right of voting for representatives is a primary right by which all other rights are protected. To take away this right is to reduce this man to slavery for slavery consists of being subject to the will of another, and he who has not a vote in the election of representatives is in this case.

Sure, 36 States have done something. But how many of the people who called me on KCEP radio can go to a circuit judge and get their right to vote? How many can obtain a pardon from the Governor or the President? Very, very

few. Does this mean that everything that is not in this bill is going to kill the bill? I think it is really a shame that someone who has been convicted of a crime, who has served the sentence, whether 1 year or 100 years, after that person gets out he can't vote.

This affects millions of people. Who is affected more than anyone else? Minorities. Unfair practices have been established in many States, most of the time, making it extremely difficult if not impossible for these people to vote. In a Federal election in the greatest country in the world, what are we trying to prove?

I had a letter printed in the RECORD earlier today, and I could enter in the RECORD scores of these letters. This is a communication from a man in Las Vegas who was convicted of a crime in the 1960s. He makes a lot of money now. He wants to be able to vote. He can't vote because he was convicted of a crime when he was a young man.

With all due respect to my friend from Connecticut, he is going to oppose this legislation because it is going to affect this bill? This will improve the bill.

I have been approached by several people today, and in the past—members of my staff, other Senators—saying: Don't have us vote on this. It is a tough vote.

Sure it is a tough vote. We vote easy all the time around here. We have very few tough votes. Let's have a tough vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 2879. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from New Mexico Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL), the Senator from Oregon (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Utah (Mr. HATCH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 63, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—31

Akaka	Feingold	Mikulski
Bingaman	Hollings	Miller
Boxer	Inouye	Murray
Cantwell	Jeffords	Reed
Cleland	Kennedy	Reid
Clinton	Kerry	Santorum
Corzine	Kohl	Sarbanes
Daschle	Leahy	Specter
Dayton	Levin	Wellstone
DeWine	Lieberman	
Durbin	Lincoln	

NAYS—63

Allard	Breaux	Carper
Allen	Brownback	Chafee
Baucus	Bunning	Cochran
Bayh	Burns	Collins
Biden	Byrd	Conrad
Bond	Carnahan	Craig
Crapo	Helms	Roberts
Dodd	Hutchinson	Rockefeller
Dorgan	Hutchison	Schumer
Edwards	Inhofe	Sessions
Ensign	Johnson	Shelby
Enzi	Kyl	Smith (NH)
Feinstein	Landrieu	Snowe
Fitzgerald	Lott	Stabenow
Frist	Lugar	Thomas
Graham	McCain	Thompson
Gramm	McConnell	Thurmond
Grassley	Murkowski	Torricelli
Gregg	Nelson (FL)	Voinovich
Hagel	Nelson (NE)	Warner
Harkin	Nickles	Wyden

NOT VOTING — 6

Bennett	Domenici	Smith (OR)
Campbell	Hatch	Stevens

The amendment (No. 2879) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, again, I will request of Members who have amendments to come and talk to staff. I understand the Senator from Arizona has an amendment.

Mr. MCCONNELL. Mr. President, I believe the junior Senator from Arizona is here and he has an amendment.

Mr. DODD. I ask unanimous consent that the next amendment be the one offered by the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me urge Members to come over and to please speak with the staffs, Senator MCCONNELL's and mine. Many of the amendments are just technical in nature, and we can move this bill along. Some will require votes. But if we can at least get the numbers down pretty quickly, there is no reason we can't deal with the overwhelming majority of the amendments that look to be fairly straightforward and acceptable. Some are actually duplicates, where they have offered the same idea with slight variations. Perhaps we can combine them and reduce the number.

Hope springs eternal, Mr. President, that we might actually get this bill done. I realize that may get harder as the afternoon wears on. I urge Members, if they have amendments, don't wait until 5 or 6 o'clock to come over. Bring them over and we will try to clear them or work them out and accept them. If we can't, we will try to arrange for a time for you to consider the amendment and vote on it.

My colleague from Arizona is ready.

AMENDMENT NO. 2891

Mr. KYL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2891.

Mr. KYL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit the use of social security numbers for the purposes of voter registration and election administration)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

''(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

''(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

''(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Equal Protection of Voting Rights Act of 2002 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.''.

AMENDMENT NO. 2892 TO AMENDMENT NO. 2891

Mr. MCCONNELL. Mr. President, I send a second-degree amendment to the Kyl amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2892 to amendment No. 2891.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit the use of social security numbers for the purposes of voter registration and election administration)

At the end of the amendment, add the following:

(b) CONSTRUCTION.—Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I am aware of the second-degree amendment. I will speak to it in a moment. I want to describe this amendment. It is very

straightforward. It authorizes—it does not mandate—that Social Security numbers may be used by States to validate voter registration. I believe that there are currently seven States that do this. Because of the way the Privacy Act was enacted several years ago, those States were grandfathered. Other States don't have that ability. This would provide that ability. It can prevent duplication and fraud.

Current law allows State officials access to a person's Social Security number for a variety of identification-related purposes. We are all familiar with that. This would simply add to that list of items verification for voter registration purposes.

The amendment is important to resolving a widespread problem in election administration which is, of course, the problem of verifying the identity of the person registered to vote. While the Social Security number is not an absolute guarantee, it is deemed to be good enough for a variety of other purposes for which we need identification, and it would provide a much more accurate voter identification, which, of course, is key to an honest and fair election.

We all know that the rationale for that most sacred of our democratic rights, the right to vote, is that our vote counts 100 percent, that it is not diluted by virtue of other people's votes that were cast fraudulently, diluting that 100 percent vote that we have. So we want to make sure there is not fraud in the election process—that people who should not be voting, in fact, are not permitted to vote. That is why validating the registration with the Social Security number is important.

This is a unique number that is issued by the U.S. Government, which is precisely why the Federal, State, and local governments use the Social Security number to identify individuals for a variety of programs and services. I will remind my colleagues of what some of these are. While they are all important, I submit that none is more important than our sacred right to vote. If you want to check into a Veterans Administration hospital, you have to show your Social Security number. If you want to receive food stamps, you must show it. In many States, you need to show it to apply for a driver's license and register a motor vehicle. Certainly, you need your Social Security number to register for the draft and to register for Medicaid. You need it to apply for a student loan and to donate blood. You need it to receive unemployment compensation. You need it to apply for a passport or a green card. You need it to purchase certain U.S. savings bonds. You need it to apply for Federal crop insurance. Many States require this to apply for professional licenses. One that I found interesting is, if you are a boxer seeking to register with the State boxing commission, you have to show your Social Security number. These are some of the countless ways in which governments have ensured the identity of people by requiring validation through their Social Security number.

As I said, while the integrity of these processes is very important, I don't think we would argue that any is more important than maintaining the integrity of our sacred right to vote. If the election officials can positively identify the voter with a Social Security number, then two protections are codified: First, the integrity of the election is protected because duplicate registrations can be removed. Secondly, full access to the election by all of those registered is ensured.

I will repeat that because this will be very important to my friends on the other side. Social Security number verification will help prevent the wrong person from being removed from voter lists when those lists are checked against felony citizenship records.

Without the certainty Social Security numbers provide, election officials have no foolproof way to differentiate among voters with same or similar numbers.

As a means of voter identification, this has been approved by Federal courts. Current law provides an element of protection against the public disclosure of those Social Security numbers. The second-degree amendment of the Senator from Kentucky is a further guarantee of that privacy protection. Frankly, I support the Senator's amendment because we don't want there to be any doubt that privacy is protected here, that those numbers cannot be disclosed other than for this purpose. This amendment restates those guarantees. The second-degree amendment will restate it a second time in a more specific way.

Mr. SCHUMER. If the Senator will yield for a question, this is not a mandate. States could use Social Security numbers as a means of identification. Could a State, under the ambit of this amendment, require that it be a Social Security number? In other words, I don't know about the privacy parts of it yet. But the crux of it is I want to make the right to vote as broad as possible, as unencumbered as possible. So adding another way that people could choose to identify themselves is fine but if some State, under the ambit of this law, said you must have a Social Security number, or if you have one, only these three ways of identification are allowed, that might be restrictive.

I guess the question is—I understand it is voluntary within the State; the State doesn't have to use the Social Security number—but what about the other side? Could the State require the Social Security number as a means of identification?

Mr. KYL. Mr. President, the answer to that question is yes. There are seven States that currently do this. This would simply authorize other States to do the same.

Mr. SCHUMER. If I may elaborate so I get this clear, so under this amendment a State could say you must identify yourself by a Social Security number; other means of identification would not work?

Mr. KYL. Mr. President, I say to the Senator from New York, that is correct. This is for voter registration, I want to reiterate that.

Mr. SCHUMER. I understand. I thank the Senator for his direct and candid insight.

Mr. KYL. I point out there are cases—in fact, one case in the Virginia system was invalidated because it did not provide adequate protection in the use of these Social Security numbers. Clearly, our authorization of this does not put a stamp of approval on any particular system. It is going to have to withstand any kind of judicial or legal attack that it is too restrictive, that it does not contain adequate protections, the number itself or any other number of challenges that might be issued.

Mr. SCHUMER. I thank the Senator.

Mr. KYL. Mr. President, let me continue. Incidentally, if there are any concerns along those lines my colleagues would like to address, I am happy to work with them on it.

Mr. MCCONNELL. Mr. President, will the Senator yield?

Mr. KYL. Certainly.

Mr. MCCONNELL. Mr. President, I was listening to what he said. I do not know if the Senator from New York, Mr. SCHUMER, has left the Chamber or not. I think the Senator said also it prevents people from being wrongfully removed from a list. I hope the Senator from New York, who obviously is concerned about the broader franchise, listened carefully to what the Senator from Arizona had to say: that it would also prevent wrongful removal. Did I hear that correctly?

Mr. KYL. Mr. President, to the Senator from Kentucky, that is exactly correct. I tried to repeat myself. I noticed there was conversation going on, so I am not sure my colleagues did pick up on that. Obviously, that can be used for any of the legitimate purposes for registration, including preventing wrongful removal. It is a good voter protection. I am not sure we need to talk a lot more about it. I am happy to do that if my colleagues would like.

To reiterate, it is voluntary, not mandatory. It allows for use of Social Security numbers as one additional element of which the States could take advantage. It does have a privacy protection, but with the second-degree amendment of the Senator from Kentucky, it provides an additional element of privacy protection.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Connecticut.

Mr. DODD. Mr. President, we will take a further look at the amendment and discuss this with the Senator from Arizona.

Let me raise the concern my colleague from New York has already expressed. Senator BOND said it; he really gets credit for coining this phrase. Others of us have repeated this over the

last number of months. And that is, what we are trying to achieve with this bill is to make it as easy as possible for people to cast a ballot in America, to exercise their most fundamental right, and simultaneously make it hard to cheat the system.

My concern with the amendment of the Senator from Arizona is that it could set up a situation where, while it is protecting a voter, to some degree, from being unceremoniously denied the right to vote, it could make it much harder for that individual to actually register to vote because a State may decide that this is the only way you can register to vote.

There are literally millions of people in this country who do not have a Social Security card. If that were the case, they could be denied in that State the opportunity to register. I do not think any of us want to do that.

I understand if they make this one of the criteria, but we could have other criteria. That would be one set of circumstances. But as the Senator from Arizona very candidly—and I appreciate it—said in response to the Senator from New York when asked the question, Could a State then mandate this is the only criterion? we would then create a hurdle while we are trying to diminish the hurdles as much as possible.

Mr. KYL. Mr. President, if the Senator understood me to say a State could mandate this as the only method of identification, that is not correct. If I said that, I certainly did not mean to say it. It is not correct.

Let me again read the language because it is very important. If you do not have a Social Security number, they cannot force you to present a Social Security number as the means of identification. The language of the amendment that ''the Social Security account number issued to such individual by the Commissioner of Social Security. . . .''

If you do not have a Social Security number issued, there is nothing in the amendment that authorizes the State to require you to have one, and there is nothing in the amendment that authorizes the State to mandate as the only method of identification the presentation of a Social Security number.

If I may reiterate what I thought the Senator from New York was asking—perhaps I misunderstood—it was, Can a State mandate that an individual must present a Social Security number for his registration validation? And the answer to that is, a State could pass a law that used the Social Security requirement for voter registration. But would that mean they could require somebody who does not have a Social Security card to present one? Not under the wording in the amendment.

Does it say it is the only way you can validate your identification? Absolutely not; that is not what this says.

Mr. SCHUMER. Will the Senator—I guess the Senator from Connecticut has the floor.

Mr. DODD. I will be happy to yield.

Mr. SCHUMER. May I ask the Senator from Arizona a question. I am personally reading the amendment for the first time. It does not seem to say actually yes or no. I understand what the Senator from Arizona pointed out, but that just talks about presenting the Social Security card if you have it.

If the intent of the Senator from Arizona is not to allow a Social Security number to be considered the only way to identify yourself but, rather, be an additional way then maybe we can make sure the language is clear about that, and that will help the amendment.

If that is acceptable to the Senator from Arizona, I will be happy to work with him, the Senator from Connecticut, and the Senator from Kentucky to try to make that happen.

Mr. KYL. Mr. President, I think the Senator from Connecticut has the floor. I am happy to sit down and work out additional language right now, discuss it further, or go on to other business. I am not sure what the pleasure of the bill managers is. I am willing to dispose of this as quickly as we can.

Mr. DODD. We are not going to be able to have recorded votes until after 2 o'clock because of the conference lunches. I suggest we lay it aside temporarily and see if there are amendments to be offered and try to work out language that may make this an acceptable amendment.

The Senator understands the problem. He identified the problem area for us. My suggestion to the Senator from Kentucky is to try to do that.

Mr. MCCONNELL. Mr. President, I think temporarily laying aside the Kyl amendment is a good idea. I ask unanimous consent that the Kyl amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum. We have to round up another amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I am holding this loose-leaf binder in my hand. These are all amendments that various Members have suggested they would like to offer. Many of them I think we can accept, but I cannot accept them if they do not come over and offer them. So I am making an appeal. We have an hour when we are not going to be able to vote because of the lunches that are occurring, but if there are Members who would like to be heard on this bill, I am urging them to please come over and offer their amendments. We cannot vote on it right away, but they can explain the amendment. They can submit it. We could lay it aside and go through a number of these and then try to work them out, either accept them or set up the time for recorded votes or vote on them, but we cannot get through the bill if we lose an hour or so sitting in a quorum call.

I appeal to my colleagues on both sides of the aisle to come to the Chamber and offer their amendments if they have gone to the extent of drafting an amendment and going to legislative counsel. Many of the amendments are very good ideas and I think would strengthen and make this a better bill, but I need to have them offered.

So as I am sitting in the Chamber, I will wait for Senators to take the time and come over in the next few minutes and we will consider their proposals.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, what is the current state of business?

The PRESIDING OFFICER. The pending amendments, McConnell and Kyl, have been laid aside.

Mr. BROWNBACK. I ask unanimous consent to speak for up to 10 minutes on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, the 2000 Presidential election demonstrated the need to improve the instruments of voting and the means of electing our Federal officeholders. Protecting and enhancing this basic right to vote fairly, clearly, and easily is both critical and necessary.

Early last year, Senator SCHUMER, Senator TORRICELLI, Senator MCCONNELL, and I worked on a compromise bill to observe three key objectives: Respect for the primary role of the States and localities in election administration; second, establishing an independent, bipartisan commission appointed by the President to provide nonpartisan election assistance to the States; third, to enforce strong antifraud provisions.

Supporting this bipartisan effort was a diverse group of organizations, such as Common Cause and League of Women Voters, because the issue is bipartisan. In crafting the compromise bill, we were mindful of the fact that both rural and urban areas have unique difficulties not only with accessibility but funding improvements to their voting systems. Heavily rural States such as mine or that of the Presiding Officer have issues relating to voting procedures that are different than those faced by large urban areas. For this reason, any compromise effort must not impose an unfunded election mandate upon the States or, in the alternative, give State flexibility to determine how it can use the funds.

I am quite pleased that the chairman and the ranking members of the Rules Committee were able to preserve all three of the elements in the substitute to S. 565. I think the Dodd-McConnell Bill is a thoughtful, bipartisan attempt to provide grant moneys to States to implement alternative means and instruments of voting that provide swifter and more accurate results and are less susceptible to partisan interference and difference of opinion.

However, I continue to have concerns regarding the degree to which States are given enough flexibility to implement the changes they believe are best for them. I look forward to working on an agreement that will accommodate reasonable changes in this respect.

As I think a number of people have noted in speaking on this issue, there is a lot of difference between a large urban area and a rural area. In rural areas in my State, some of the voting is done far differently from the urban areas, but they are able to do it quickly and accurately. We need to work to make sure we provide options to localities to be able to implement this in a way that is most useful to them.

Under the legislation, a new election administration commission will be established, composed of four Members recommended by the Senate majority leader, the Senate minority leader, the House Speaker, and the House minority leader. This commission will begin implementation of new voting requirements starting in 2006. These requirements will permit voters to verify their ballot choice and correct errors before ballots are cast, and allow notification to voters if there is more than one choice made on ballots, among others.

In addition, the bill authorizes $3.5 billion for grant and matching programs to allow States and localities to meet the voting requirements under the bill. The grants will be administered by the Attorney General in consultation with the FEC, until the new election commission is operating.

The grants will be used to buy new voting equipment, train poll workers, implement various other recommendations, or make other improvements approved by the commission. In order to receive funding, States and localities will have to demonstrate compliance with the Voting Rights Act and other civil rights laws, institute provisional balloting and other safeguards to assure accuracy during the transition to new systems, establish poll worker training, voter education programs, provide disabled voters with the opportunity to vote under the same conditions of privacy and independence as the nondisabled.

Again, however, I must mention a concern I have for rural States such as mine, Kansas, and the Presiding Officer's, Nebraska, that would be at a disadvantage under a competitive bidding process as is contemplated in the Dodd-McConnell bill. I hope a formula process can be worked out that will make the grant-making process fairer for rural States such as my own.

I am pleased to see one of our key requirements was adopted by the Senate that assures all military and overseas votes are counted. I believe this is important legislation that will instill confidence in our voting system. Not only should we do everything possible to ensure that every qualified American is able to vote, but that we are able to do so with certainty, accuracy, and confidence.

Again, I commend the chairman and the ranking member for their tireless efforts in regard to this bill. I am hopeful we can get through a good, bipartisan piece of legislation that will improve our ability to vote in this country, will shorten the timespan for us to get an accurate vote taken. Clearly, in this age where we have rockets going all sorts of places in outer space, surely we can find a way to count votes quickly and accurately. This bill will help move us forward in that regard.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Nevada, Mr. REID, and myself are cosponsoring an amendment that I think will be agreed to because it is merely a study. Our hope is to try to change the day the elections are, so as to really promote campaign reform

In my experience over the years, the first Tuesday after the first Monday in November is just an arbitrary choice of the middle of the week, whereby we have less than half of our electorate actually participating.

For industrialized countries, you might say we have the least. The only other countries I have been able to find that have a middle-of-the-week election day are the Dominican Republic and Belize. The industrialized countries all have far greater participation by the electorate.

Right to the point, it is really inconvenient to hold an election on a workday. It is not a holiday. People come early in the morning, before going to work, and already there is a long line. So they leave, and the next thing you know they go to work and say they couldn't get off in time at night to go and vote.

The Senator from Nevada and I are convinced we can select a better day. We all thought, of course, of Saturday. But our religious friends who do not participate in civic activities on a Saturday would have some misgiving about that particular selection. Similarly, people would have misgivings with respect to the selection of a Sunday, which is the day used in many industrialized countries.

The bottom line is, I think perhaps Veterans Day, which is already a holiday, could be an alternative. The whole idea is to get a day that is a holiday. No one wants to add another holiday to the calendar year. But if we put it on Veterans Day, veterans couldn't have any better celebration than participating in democracy. They have given their lives to preserve democracy in wars overseas. What better way to celebrate, in addition to Veterans Day parades and other kinds of celebrations, than to also celebrate by going to the polls and voting. Take that particular day—Armistice Day, November 11—and open the polls. Of course, the idea here is to proclaim a day, other than Saturday or Sunday, so as not to get into the same problem.

This year, for example, I think election day is November 5, and then November 11 is Veterans Day, which is the next Monday.

I hope, given a deliberate study and consensus being developed, we can very promptly put in this particular reform. It is not just machines and chads and other things down in Florida that causes election problems. The problem is the working population. In many instances, they do not want to irritate their bosses by taking time off to vote.

The attitude is developed by us in public life that there is something wrong in participating in politics. That has to be changed. One quick way to change it and one quick way to really enhance the participation of our electorate in these elections is to have it a holiday and perhaps select Veterans Day. It could be the study would recommend another approach on Saturday or Sunday or whatever, but the important thing is that we do have a day off so we can participate in the most important function of our entire democracy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its proper filing with our distinguished chairman of the Rules Committee and the principal author of our election reform bill, and I suggest the absence of a quorum.

Mr. DODD. Mr. President, let me inquire—the Kyl amendment has been temporarily laid aside. Is my colleague filing this or is he offering it?

Mr. HOLLINGS. No, filing it for your consideration because I have been working with Senator SPECTER—it is a study, not an actual requirement.

Mr. DODD. Let me say, in the absence of my colleague from Kentucky—he will be back shortly—there are a number of our colleagues who expressed the same interest as the Senator from South Carolina. I think Senator BOXER from California has expressed an interest in the same subject

matter. There may be others who will want to take a look at this. I think the Senator from South Carolina is making a very fine suggestion. This is a legitimate issue.

I heard some of his comments as I was making my way up here. The point he makes is a worthwhile one. There are people who, because of their work obligations, find it difficult. Other countries have tried this. We can learn from others who have been able to increase voter participation by making the time available to them. There are a lot of different ideas.

As he pointed out, there is the holiday idea, using existing holidays, weekends. There are objections people raise to almost any idea you bring up as well. But I think it will be worthwhile. With the establishment of this permanent commission, they can gather information and come back in 6 months or a year and make a recommendation to us and let us deal with this issue. It really ought to be confronted. It is long overdue, and I commend him immensely for raising the idea and turning it over to the commission for their analysis and reporting back to us.

I hope many of our colleagues on the other side would agree with this proposal and we can accept the amendment.

Mr. HOLLINGS. I thank the distinguished Senator.

Mr. DODD. I heard the comments of my friend from Kansas, Senator BROWNBACK, talking about the bill and one of his concerns that has to do with the issue of how the $400 million authorizing grant money would be allocated.

Again, Senator JEFFORDS, I think maybe Senator REID, certainly Senator BROWNBACK, and maybe others, have raised the issue of having some floor so every State would have an opportunity to receive some of the grant money to modernize their election equipment. That is a very fine suggestion. Let me say that those Members who are interested—Senator COLLINS of Maine, I think, as well, is interested in a similar idea—I think we could very quickly put together a proposal that will be accepted by both sides as a way to guarantee that every State would qualify for some of this assistance so it wouldn't all be absorbed by just large States.

There are four amendments that will be very similar. If they come over, we can accommodate them.

I see my friend from Illinois is here, and I know he has a number of ideas he wants to raise on this bill. I yield to him.

AMENDMENT NO. 2895

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. NELSON of Florida, proposes an amendment numbered 2895.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the special treatment of punchcard voting systems under the voting systems standards)

Beginning on page 3, line 9, strike through page 5, line 14, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system or a central count voting system (including mail-in absentee ballots or mail-in ballots) may meet the requirements of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

Mr. DURBIN. Mr. President, let me at the outset commend my colleague, Senator DODD. This was an amazingly difficult issue to tackle because when he decided to tackle it, America was in flames over the last Presidential election. There were strong feelings among Democrats and Republicans about the outcome of that election and the decision of the Supreme Court. In America, it seemed for weeks that there were abuses of the election, and we heard charges and countercharges. Frankly, I think the Senator stepped in where angels fear to tread and came up with an excellent piece of legislation which I am more than happy to cosponsor. In fact, I am proud to cosponsor it.

I commend the Senator because I know this piece of legislation doesn't embody everything he wants nor everything the cosponsors want. But it is his best good-faith effort to put forward a bill which will significantly change and significantly improve elections across America. For that, I not only commend him but I think he has done a great public service to this Nation. The fact that several Republican Senators have stood up in support of this effort—I hope there will be many who will vote for it—is evidence that we can solve problems in America. And certainly the Senate should be in the forefront of solving the problem and basically making certain that the right of Americans to vote is protected.

The preamble to the bill we are considering today I really think says it all. The first finding of this bill says the right to vote is a fundamental, incontrovertible right under the Constitution. It goes on to spell out exactly what that means in terms of Congress's obligation once we have acknowledged that fundamental, incontrovertible right under the Constitution.

I think this bill in so many ways addresses that. It creates a commission to try to find more efficient and modern ways for fraud-free voting and that serve the American people.

The amendment I bring to the floor addresses an issue which I hope my colleagues will consider. The issue is this: If you decide to exercise your civic duty, you have listened to all the people exhorting you to get out and vote, that your vote counts, and you believe it in your heart and are willing to make a sacrifice of your time, and perhaps to leave your family or your job to go to the polling place and vote, the basic question in my mind is whether or not we are going to help in that circumstance, make certain that people have their chance to express their political will or whether we are going to put obstacles in their paths. There are already obstacles in the system. You have to register to vote. We want to try to eliminate as much fraud as possible when it comes to voter registration.

Of course, you have to follow the rules of voting when you turn up at the polling place or apply for your absentee ballot, which I did a few minutes ago at my desk here in Washington for our primary election in Illinois on March 19th. You have to follow the rules when it comes to voting and then put your ballot, as instructed, in the appropriate receptacle for it to be counted. That is the basic system for paper and punch card ballots, and a number of other systems do it differently.

But there was language added to this bill which troubles me greatly. The provision says when it comes to overvoting—in other words, when it comes to a situation where you have made a mistake, you have spoiled your ballot, you have voted, for example, twice for the same office—originally it was my intention and hope that we would say to a voter in that circumstance, if you made a mistake, to err is human; we will give you another chance to vote.

But language was inserted—the Senator from Missouri, Republican Senator from Missouri offered it—which says that we will make an exception when it comes to those errors and those mistakes in punchcard systems.

I need not remind you what punchcard systems are all about. With the

phrase ''hanging chad,'' all the lexicon of the last election comes to mind immediately. In my home State of Illinois, in all but a few counties we use punchcard systems—not only in the city of Chicago but all across the State.

So you walk in there, and they give you this card that has all of these little windows on it. You go into your polling booth and put the matrix on top, which is the ballot. Then you punch the hole next to the candidate of your choice. I have come to learn, having been a lawyer in the State capitol for years and watching election contests, that when I finished voting I always lifted that ballot up to look for hanging chads to make sure that the numbers I punched corresponded with the names on the ballot. I think that is an extra effort, but I want my vote to count. I believe every American thinks the same way.

But when it came time to compromise on this bill, language was offered which said if you make a mistake in your voting in a punchcard precinct in America, we are not going to tell you about it; we are not going to notify you; we are not going to inform you. So the net result of that is a person who in good faith is trying to exercise their civic duty and their constitutional right to vote is discriminated against when it comes to whether they will be notified of mistakes.

We included paper ballots in this exception. I can understand the practical reason for that. If you have made a mistake on a paper ballot, you have to manually count the whole ballot in a polling place. You can't do that and preserve ballot confidentiality. That is not practical. That is not going to work. I understand that exception.

We also made an exception, primarily for the States of Washington and Oregon, and said because you have a system where everybody mails in their ballots, how in the world can we receive the ballots, count them, and send back the ones that are in error? It is practically impossible to make that work.

But look at the rest of the world and the rest of the United States. At least thirty-four percent of voters in America use the punchcard system. For the vast majority of those voters, we are saying if you have over-voted and spoiled your ballot, it is going to be thrown out and not counted, and we are not going to tell you. It is a ''gotcha'': You went in and did your best. But you didn't do good enough. Sorry. Go home and try again in 2 or 4 years.

I do not buy that. The premise of this bill is that the right to vote is a fundamental and incontrovertible right under the Constitution and we should do everything in our power to assist voters in exercising that right. How important is that?

There is a study I have had a chance to look at by Caltech and MIT called the Voting Technology Project. They go into an analysis of voting systems and people who have spoiled their ballots where they are not counted.

I will tell you that the No. 1 voting system for spoiled ballots in Presidential elections in America is the punchcard system, the very system for to which this bill creates an exception. Here we know that the most problematic voting system is the punchcard system, and we have said in this bill, that has pledged itself to protect the right of American's to vote, that we are not going to tell you in a punchcard system if you make a mistake: That's your problem, buddy; come around next year. I don't think that is right. Not only is it not right, but it destroys confidence in the process.

Let me give you some statistics which you might be interested in. This comes from the same study to which I am making reference.

Punchcards lose at least 50 percent more votes than optically scanned paper ballots. Punchcards have an average residual vote—a spoiled ballot—of 2.5 percent in Presidential elections and 4.7 percent for other offices. Over 30 million voters in America used punchcards in the year 2000 election. Had those voters used optical scanning, there would have been 300,000 more votes recorded in the 2000 Presidential election. In addition, 420,000 more votes would have been counted in Senate and gubernatorial elections.

Let me tell you that this strikes close to home. One hundred and twenty thousand of my constituents in the State of Illinois in the County of Cook went to the polls and cast their ballots in the November Presidential election of 2000 and had those ballots thrown out. They might as well have stayed home. They didn't vote for anybody. They thought they did. They took the time. They registered. They went to the polling place. They deliberated the candidates' names and made their choices, but they made a mistake. How can you make a mistake on a ballot? You saw the butterfly ballot in Florida. We all know what that looked like. Try to look at the right place to punch on that ballot. A lot of voters testified afterwards that they were totally confused by that ballot, and they have been prohibited and banned from use ever since. They might have voted for the wrong candidate. But in some situations, you would have someone come in to vote for Mr. Gore, or Mr. Bush, and would mistakenly write in their names in the write-in space at the bottom of the ballot, and the ballot would be tossed out. Any mistake in the process disenfranchises the voters.

That is why I hope this amendment will be accepted, because we are saying with this amendment that we value your vote however you vote in America. We understand the paper ballot problem. We understand the central-count, mail-in voting that occurs in Washington and Oregon. But for that situation, we are going to stand behind the voters and help them vote.

How big a problem is this in America? As I said, one of three voters is faced with a punchcard system, and that is what they have to live with. Also, how difficult is it to notify me that I have overvoted on my ballot? There is a simple little machine—we are going to have some of them in our State in the next election—called the PBC–2100. With these machines—no larger than a typewriter—you would finish voting on your punchcard, you would walk out of the booth, and in your own privacy, without the world looking in, push your ballot into the tabulating machine, and it would tell you whether you have a spoiled, voided ballot that is illegal and cannot be counted. You can then make a decision. You can say to the election judge: I did something wrong here. Tear this one up, and let me try again before I leave the polling place.

That is reasonable, and most States say: That is our standard. We do not want to trick people. We want to give them a chance.

But if you decide, for whatever reason—it is a spoiled ballot—I don't have time, I don't care, take it. That is your choice, too. But what we should do is let people know rather than putting them in this trick bag situation.

The thing that troubles me is that the jurisdictions that rely heavily on punchcards are jurisdictions which have had these systems in place for decades. In Illinois, I think it has been almost 40 years with a punchcard system. This was the state of the art back in the 1960s, the IBM punchcards. Well, the world has changed, but a lot of election jurisdictions do not have the money to change with it. So they are using the old system.

So where do you find these punchcard systems? You find them overwhelmingly used in, for example, inner-city areas, such as the city of Chicago, the city of St. Louis, Kansas City, and others. I should correct my statement. I am not certain that St. Louis and Kansas City have them. I can certainly speak for Illinois.

In these situations, you find that the overwhelming majority of African-American and Hispanic voters use punchcard systems, systems that are antiquated. As we know from Florida, with even the best of intentions, you may not get the result you want using a punchcard system.

So if you do not tell these voters they have made a mistake, you are basically disenfranchising them, or, to put it more moderately, you are stacking the deck against them, and not doing it for other election systems. That, to me, is unfair.

Let me just tell you the lay of the land in Illinois so you understand where I am coming from. We have a court order in Cook County which says that we will, in fact, look at all the punchcards to make sure, if there is an overvote, the voter is notified. I think that is fair. But, frankly, it should be fair across the board.

Cook County leans Democratic. We should say to the 101 other counties in

Illinois, the same rules apply, the same law applies. Whether you are voting in a Republican-dominated county downstate or in a Democratic county, such as Cook County, the same rules should apply. That is what this amendment would say: Punchcard systems, whether in rural Republican areas or in Democratic inner-city areas, should be systems we can trust and count on.

We should accept our responsibility under this law to help the voter, not to make it more difficult. That is why I have offered this amendment.

I sincerely hope my colleagues following this debate will stop and reflect on what happened in America with the last Presidential election.

I can recall a cabdriver in Chicago. I asked him where he was from. He said: Africa.

I asked him: What do you do for a living besides driving a cab?

He said: I am an engineer. I am trying to make a living here in the United States.

We were in the middle of the Florida recount.

I asked him: What do you think about all this?

He said: In my home country, people would be killed in the streets over the dispute you are having in this Presidential election.

Thank God that never happened, and I hope it never does. But we know that, though there might not have been lives taken in the streets, a lot of people left that November 2000 Presidential voting experience with a bitter taste in their mouth. They thought the system of voting in America was not a friendly system, it was not a system dedicated to what we have called this ''incontrovertible constitutional right to vote.'' They thought it was a system that was designed to catch you if you didn't play by every single rule and go by every single instruction. If it caught you, it would disenfranchise you.

This amendment gets us back to establishing confidence again in a system that I think will say to all Americans: If you are in punchcard jurisdictions—and one out of three Americans is in a punchcard voting jurisdiction—we are going to help you make a decision so your vote will count. That is so basic. I think it really reflects the intention originally of the sponsor, Senator DODD, in this legislation, that we make this commitment to the system.

I hope my colleagues will join me in supporting this amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Connecticut.

Mr. DODD. First of all, Madam President, I commend my colleague and friend from Illinois for his support on the underlying bill. I am very grateful to him for helping us craft this proposal and lending his name as a cosponsor of the bill. He has been tremendously helpful.

The Senator from Illinois makes a compelling case. We have tried, in this legislation, to strike a balance. I suppose it is a painful lesson we all have to learn from time to time. But we would like to write our own bills. We all have our own ideas of exactly what we would do if we could just write the bill ourselves.

Coming to the floor with a bill that is endorsed and cosponsored by the chairman and the ranking member of the Rules Committee, and others, obviously did not happen miraculously. It happened through the work of trying to offer proposals and negotiating out provisions that will allow people to achieve a level of comfort with a product to which they are willing to lend their names, and to be able to present it to our colleagues for their overall support.

That is where we find ourselves and where I find myself with this particular proposal. Again, I am one who believes, wherever possible, where the equipment allows, that people ought to be able to know if there is an overvote. The Senator from Illinois makes an irrefutable case for it, in my view.

While memories fade a bit, and other events have overtaken the events of 14 months ago, it is not that hard for people to remember how distraught this country was over the fact that we could not seem to get a Presidential election straight.

We discovered—obviously, not just in Florida, and it was not just for this race—that all across the country there were serious problems with the election systems and that voting systems were outdated. Depending on what community you lived in—how affluent it was—you might have better equipment than other communities. There have been all sorts of problems that have been identified by every single study and commission that has looked at election processes in the country.

What the Senator from Illinois has proposed is that when we are talking about punchcard systems—and there is a machine that can indicate over-votes on a punchcard. Under our bill, we provide grant money to States and localities to help them acquire equipment. The $3 billion is there for that purpose. You can actually buy a voting system that does exactly what the Senator from Illinois would like to see done.

When I wrote the bill with Senator BOND and Senator MCCONNELL, there were tradeoffs. I had to give up on some things I did not like giving up on—and this is one of them—in order to get support for other provisions of the bill. I am not going to speak for my colleagues from Missouri and Kentucky, but there were things they did not want to particularly give up on. So we struck an agreement on this overvote issue that presently does not require as a matter of national law that punchcard systems must report an overvote.

But let me also say, there is nothing in this legislation which prohibits any State from doing exactly what my friend from Illinois wants to do. In fact, I think the State of Illinois does require that there be an overvote requirement—or there is a court order pending that——

Mr. DURBIN. In Cook County.

Mr. DODD. In Cook County, excuse me—that is requiring they do just that.

So I say to people who are wondering about this issue, while we do not go to the extent that my colleague from Illinois would like us to in this bill, by requiring, as one of the minimum standards in this legislation, national standards that every jurisdiction in the country that uses a punchcard system must use a punchcard system that would allow the voter to be able to determine whether or not an overvote has occurred. We say nothing in this legislation that would, in any way, restrict a State from requiring exactly what the Senator from Illinois is seeking. In fact, I would encourage States to do it, to use the grant funding and acquire them because I think it is a great service to be able to provide for your voters, and to avoid exactly the situation the Senator from Illinois describes.

We all remember, very vividly, the pictures every night on television of people holding up these butterfly ballots where to say it was a confusing situation was a mild description of those ballots. And there were the punchcards that were also very difficult to read. People were holding them up to the light and showing hanging chads and the like.

So the Senator's point is an excellent one.

It is not a point with which I disagree. But anyone who has ever had to manage a bill on the floor, where you have 99 other colleagues and you are trying to put together a compromise bill that includes some very important changes and advances in the law, then you know how difficult that can be. This is exactly one of those points.

I agree with what my colleague wants to do, but I also know in putting this bill together, the decision was made to allow States to do that but not require in the punchcard system that it be done. I am in an awkward position because I agree with my colleague, but I am in a tough position because I am trying to work out a bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mr. DURBIN. Let me counsel my friend and colleague from Connecticut to follow his heart.

Is it not true in this bill with the Bond exception that we do say to jurisdictions across America that we want them to tell people if they have overvoted and spoiled their ballot, if they have cast other than a paper ballot, a punchcard ballot, or a mail-in central counting system, like Washington or Oregon? So for other methods of voting, the optical scan, the standard lever machines, the direct recording electronic, this bill says: We want to save you from making a mistake. We

want you to have your vote count. Isn't that true? We have said for those systems that we really want to have this protection, but not the punchcard system.

Mr. DODD. The Senator from Illinois is exactly correct. That is exactly what the bill does. As I said before, he urges me to follow my heart. I would be very much inclined to do so. He also is a very accomplished legislator and knows how difficult it is. In fact, he has been in this very chair I now find myself in where he has been confronted with not dissimilar proposals where his heart said one thing and, as he tried to cobble together a piece of legislation that enjoyed the bipartisan support I am seeking with this bill, he was torn between trying to produce an underlying bill and agreeing with the proposal that one of his dear friends offered.

I have no argument whatsoever with the proposal, but he knows the quandary his friend is in.

Mr. DURBIN. I ask my friend and colleague from Connecticut, if you can't follow your heart, can you at least take a walk?

Mr. DODD. I thank my colleague from Illinois. Again, I urge Members to follow what he has proposed here. He said it very well. We do require in this bill that there be overvotes, not undervotes. I don't know if my colleague from Illinois made that distinction. There is nothing in this bill that requires that a person be notified of an undervote. Senator MCCAIN, in fact, raised this issue with me. I thought he brought up a very good point. There are many of us—we can all identify with this—who have gone in to vote and there were some positions where we just did not know the people. We did not know anything about them whatsoever. So from time to time, we do not cast a ballot on those particular races. We make the conscious decision not to cast a ballot.

We don't want to necessarily be notified that we have not voted for the deputy sheriff in some place. So we have excluded any reference to undervote references, only to overvote where, again, everyone wants to be notified if they voted for two candidates for President or two candidates for Senate, or Governor. The overvote issue is extremely important.

Mr. DURBIN. I have spoken to the ranking minority leader on the Senate Rules Committee, Senator MCCONNELL. Once again, I make this offer on the floor. If there are any who wish to speak for or against this amendment, I want to give them ample opportunity to do so at this moment. But if there are no requests for debate, in the interest of completing the bill today, I will ask for the yeas and nays. But I will withhold that in the interest of having a free and open debate on this.

Mr. MCCONNELL. Regretfully, I am going to join Senator DODD in opposing this amendment. We had a carefully crafted compromise on this whole issue of whether or not to, by either direction or indirection, require certain voting machines in jurisdictions. I think that is, in effect, what this does. We don't want to dictate to any State what form or what kind of machine they choose to take. This was a significant point of negotiation between the five principals on this bill, who were Senator DODD, myself, and Senators BOND, TORRICELLI, and SCHUMER.

This would mandate a certain kind of punchcard machine, one that notifies the voter of overvotes. This is a decision which the five of us concluded should best be left to the States. In crafting this bill, we were careful to avoid mandating any particular system out of existence, and that, in effect, is what this amendment would do. Our bill seeks to address the Senator's concerns. It does it in such a way that we don't eliminate any system.

Regretfully, I join the chairman of the committee in saying if this amendment is approved, I think it takes away any argument we can make in opposing any other amendment if somebody says you think you ought to use this kind of machine or that kind. Regretfully, I, too, have to oppose the amendment.

Mr. DURBIN. Will the Senator yield for a question.

Mr. MCCONNELL. I am happy to yield the floor.

Mr. DURBIN. In response to the Senator from Kentucky, if he would like to engage me in dialog, I invite him to do it.

In your bill, as currently written, it says if people have overvoted and spoiled their ballots, we will notify them in jurisdictions that don't have paper ballots, that don't have punchcards and in States such as Washington and Oregon where there are mail-in ballots. I say to my friend from Kentucky, you are, in this bill, already establishing a standard of care for every voting system but three. Why do you make an exception for a punchcard system where one out of three Americans vote with that system, a system we saw in Florida that was rife with problems, where people voted with the best of intentions, and where we lost 120,000 voters in Cook County, IL? Why would you say, if you happen to have an optical scanning system, you have to notify voters if they spoiled their ballots? If you have a lever machine, you have to notify people. If you have an electronic device, you must notify people. But when it comes to the punchcard system, the oldest one, the one fraught with more problems than any others, you have carved out an exception. Why do you make that distinction?

Mr. MCCONNELL. More Americans voted on punchcards than any other way in 2000. So if we want to start mandating certain kinds of punchcard voting systems, we are going to have to pay if you want to have funded mandates and not unfunded mandates; we are going to have to pay, in effect, to replace, apparently—most places except Illinois—all of these punchcard machines. I suspect that is a simple answer to the question of the Senator from Illinois.

Mr. DURBIN. I may be mistaken, but I thought this bill not only created a commission, but created a Federal grant system to do just what we are talking about, to modernize election systems across America so they are more trustworthy and consistent with this so-called incontrovertible constitutional right to vote.

Mr. MCCONNELL. You can't overvote on a lever machine, and you can't overvote on these optical touch-screen voting machines. So it is really not a problem with those kinds of machines.

Mr. DURBIN. If you accept the premise of the bill you brought to us that this is an incontrovertible constitutional right, think about what you have just said. Is this really equal justice under the law, that we have a slot machine culture when it comes to voting? If you happen to be in the right jurisdiction with the right machine, we will correct your mistakes; but if you happen to be one of those poor people with a 40-year-old punchcard system, good luck. If your vote doesn't count, try it again in 2 or 4 years from now.

Mr. MCCONNELL. One short answer to the Senator's concern is that of these millions of people who voted on punchcards, almost nobody complained except in Florida. Nobody demanded a recount. Nobody went to court. The practical effect of what the Senator is suggesting here is that we mandate a certain kind of punchcard voting system. It seems to me that clearly wrecks the fundamental concept of the bill.

Mr. DURBIN. With all due respect to my colleague, if I have cast a spoiled ballot, they don't give me a call or send me a note in the mail. I never know it. Those 120,000 people, who thought they had done the right thing and performed their civic duty, went home proudly after voting in Cook County, and 300,000 who voted across America went home and said to their kids: This is what you have to do, you have to vote. Their ballots were tossed because they were punchcard voters who got caught in hanging chads and a system that was over 40 years old.

Are we really serious about giving people their constitutionally protected, incontrovertible right to vote, or is this going to be a haphazard system? I hope not.

Mr. NELSON of Florida. Will the Senator from Illinois yield?

Mr. DURBIN. Yes.

Mr. NELSON of Florida. Madam President, I bring to this debate the very painful experience we had in Florida. Because of the trouble with the punchcard ballots, the Florida legislature has wisely eliminated punchcard ballots for the future, but many other places in the country still have punchcard ballots.

I would never want voters in other places to have the confusion, mystification, and belief that their constitutional right of being able to vote

had been taken away by virtue of having realized after the fact that their ballot had been punched twice, because of incorrect instructions, or incoherent instructions, or an incoherent way in which the ballot was designed that confused, not intentionally, but had the bottom line result of confusing the voter.

If it is so easy with technology to notify a voter that they have, in fact, overvoted, why should we not give that almost God-given right—certainly, that American right of the ballot —to notify them that their ballot isn't going to count because it has been overpunched?

So I lend my voice, having been borne out of the painful experience of the Presidential election in Florida in 2000, in support of the Senator from Illinois and his amendment.

Mr. DURBIN. I thank the Senator.

I ask unanimous consent that Senator GRAHAM of Florida be added as a cosponsor.

Mr. HARKIN. If the Senator will yield, I thank him for his leadership. I ask the Senator if he agrees, and maybe he doesn't; I didn't confer with him. But we really ought to be in the position of saying that States and local voting jurisdictions in a Federal election simply can't use punchcards. I think we ought to get rid of them all. I am proud that my State of Iowa, 28 years ago, got rid of the punchcards for the very reason that too many people were making mistakes. That was 28 years ago. I am very proud of that. I think this is an old technology, fraught with all kinds of errors. I don't care what anybody says, they ought to be done away with. Again, I suppose we are not in a position to do that here, but at least we can do it in the Senator's State of Illinois.

Mr. DURBIN. Madam President, I thank the Senator from Iowa. The fact is, the highest incidence of spoiled ballots in Presidential elections in America is on punchcard systems. It makes the point of the Senator from Iowa.

Look at the last Presidential election, what a handful of votes would have meant in one State or another, and to have a report that over 300,000 more votes should have been recorded in that Presidential election that were lost to punchcards. This bill, which is supposed to be about election modernization and election reform, turns a blind eye to the voting system used by one out of every three Americans. I do not think that is consistent. I do not think you can say it is an incontrovertible constitutional right and ignore one out of three voters when it comes to saving them from a mistake.

Mr. DODD. Madam President, will my colleague yield? I want to make a point. I said to my colleague, I certainly do not disagree with what he wants to do. Let me make the case again. One is, nothing in this legislation, in fact, prohibits any State from making a decision requiring this equipment and notifying voters of an overvote. In fact, in Cook County there is a court order that requires that very result. Other States may do the same.

Again, I make the point to my colleagues, this was putting together a bill with a lot of different features to get a bipartisan product. Unlike the other body, the Rules Committee in the Senate does not control the debate and whether there are no amendments. They just bring the product out and you vote for or against it. Here we have already dealt with seven or eight amendments, and I have a book thick with amendments people may offer on this issue.

Senator BOND, Senator MCCONNELL, and myself tried to work something out that will move us along on some very important underlying provisions.

Again, this equipment is not inexpensive. States can apply through the grant program to get the money to buy this equipment. They can put it in place. There is nothing here that prohibits people from doing that whatsoever. In fact, I encourage them to do exactly that.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DODD. Certainly.

Mr. DURBIN. If we accept what the Senator has said, that it is really up to every State to modernize their system and to make it a more trustworthy system, I have two questions for Senator Dodd: First, why did he preface this bill by saying this is an incontrovertible right under our Constitution; and second, why did the Senator include any reference at all in the bill requiring that you permit the voter to verify the votes selected by the voter, and go on to say provide the voter with the opportunity to change the ballot or correct any error?

If it is the Senator's belief that this is about States rights, then why does he have any language in this bill regarding standards?

Mr. DODD. I say to my colleague, we do, but it is about balance. No one has claimed perfection. We are trying to strike a balance where the Federal Government, for the first time, becomes a better partner with our States and simultaneously saying, in exchange for that partnership, there are certain minimum requirements—certain ones, not every one I would like, not every one one might imagine, but certain ones on which a majority—hopefully a large majority—of Democrats and Republicans, with very different points of view on this issue, can find common ground. That is what we try to do when we legislate, and that is what I tried to do with this bill.

I could think of 20 more minimum Federal requirements I would write into this bill if I were king. But I am not king, yet. So I am working with my friend from Kentucky. If he were writing this bill, he would have a very different set, I presume, and it would be the same with my colleague from Missouri.

I say to my friend, this is not easy, I admit. It is complicated, and we are not writing this bill in tablets. We have established a commission so there will be an ongoing process. We do not have to wait another 40 years to talk about changes to be made in the system.

I urge States to do this. If I were writing the bill alone, I would have written exactly the provision my friend from Illinois has suggested, but in trying to cobble together provisions that will allow us to take a major step forward in improving the election system of this country, I urge my colleagues to reject this amendment without rejecting the idea.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DODD. Certainly.

Mr. NELSON of Florida. Given the experience we had in Florida, what could any of the three Senators have as an objection to notifying someone that they had overvoted on a punchcard ballot? What is the objection?

Mr. DODD. The bill does not prohibit that.

Mr. NELSON of Florida. Given what we went through.

Mr. DODD. What my colleagues are requesting is that we mandate that in this bill. There is nothing in this legislation that says Florida is going to insist—the State of Florida has abandoned their punchcard system, but in the case of Illinois, which is a live example, under a court order, the State has said you must notify voters of an overvote. That is fine. No one here is suggesting in this bill that the State of Illinois should not be able to do that.

What is missing, what the Senator from Illinois would like, is that we absolutely require in every jurisdiction where a punchcard system is located that that system notify the voter of that overvote. I do not disagree with him in that sense, but understand in putting this bill together, I was not able to get that far. We had to compromise.

Mr. NELSON of Florida. I understand the Senator's discomfiture. It just seems to me it is common sense to assure a person's right to have their ballot counted given the awful experience we had in the State of Florida on ballots not being counted. I just do not understand the opposition.

Mr. MCCONNELL. Will the Senator yield?

Mr. DODD. I yield the floor. Does the Senator from Missouri want to be heard?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. I stated earlier and I restate—I ask the Senator from Missouri to stay in the Chamber. I hope we can reach an agreement that those in opposition have ample opportunity to speak and I have a few minutes to close, and we can bring this to a vote at a specific time. If I can have a suggestion from the ranking member or the Senator from Missouri as to how much they would like to have, I would like to propound that unanimous consent request.

Mr. DODD. May I make a suggestion? How much time does Senator BOND need?

Mr. BOND. Madam President, since most of the discussion has occurred on the other side, I think we need at least 15 minutes more on this side to discuss what I think are some alternatives. Some good questions were raised by the Senator from Illinois and the Senator from Florida. I would like to have a chance to speak about them. I hope I can have at least 15 minutes for that. I do not know how much time the distinguished Senator from Kentucky will need in addition to that.

Mr. DODD. Madam President, I ask unanimous consent that the distinguished Senator from Missouri, or his designee, be recognized for 15 minutes; that the Senator from Illinois, Mr. DURBIN, be recognized for 5 minutes; that the Senator from Kentucky, Mr. MCCONNELL, be recognized for 5 minutes, and that the vote occur on or in relation to this amendment at 10 of 3, with no other amendments in order to this amendment, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Madam President, I know there are many concerns about voting. We cannot solve all of them in this bill. I think we have reached a workable position where we will provide assistance to States and localities to improve their voting system. If a State wants to change its voting machine, or if it wants to add a new kind of machine to check punchcards, it can do that.

If the system does not work in Chicago, or if it does not work in Illinois, there is money in this bill to allow them to change it. If it works in Missouri, why should we be told we have to spend money on a whole raft of new supplementary equipment or new machines?

There is $3.5 billion in this bill. We hoped when we put this money in that it would provide enough money for at least every polling place to have a machine which was accessible to the visually impaired. We want to make sure this money goes to provide equipment that serves special needs people. That is one of the strengths of this bill.

I see no reason why we ought to tell States what kinds of general machines or systems they use. If it works, do it. If it does not work, fix it.

St. Louis County, which I represent, is one of the largest voting jurisdictions in the country with 650,000 registered voters. St. Louis County uses punchcards. Its error rate in the November 2000 election was 0.3 percent, the lowest in the country for large jurisdictions. St. Louis County is a microcosm on the United States, across the demographic and socioeconomic scale. This county manages to do it quite well, and I have not heard any concerns elsewhere in our State regarding punchcards. We vote with a punchcard. Know what you can do? A punchcard is not something where it is in the machine once you have cast the ballot. You can take the punchcard out and look at it before you put it in the box. You could look at that punchcard and see what you punched out.

Now, there is new equipment to put different colored lines on that punchcard or any other system that one wants on that card, so when you walk out of there, you can hold it up. We expect some basic competence of the voters. There is no guarantee somebody will not go in and vote for the wrong person. A total electronic ''hoo-ha'' machine is not going to prevent somebody who goes in to vote for candidate A from casting a mistaken ballot for candidate B. There is no constitutional right to say that one cannot make a mistake, but with a punchcard you can hold it up and look at it.

Certainly, after what we saw in Florida, I would imagine people could look up to see if there is a hanging chad or if there are two holes punched next to each, then that person can say they over voted or if there is no hole punched they can say they missed it.

The Ford-Carter Commission reviewed error rates of the 40 most populous voting jurisdictions in the country. Twenty-six of those jurisdictions had an error rate below the national average. Nine of them were punchcard counties. St. Louis County, King County, Orange County, CA, all had error rates less than 1 percent. Clark County, NV, home of Las Vegas, Sacramento County, Santa Clara County, San Bernardino County and San Diego County all used punchcard and had an error rate less than 2 percent. In fact, punchcards are much better represented than electronic machines. Only three of those jurisdictions that fell below the national average used electronic machines.

To conclude that punchcards are out of date and therefore responsible for the high error rates we saw in Palm Beach County is simply wrong. In Florida, there were 15 other counties that used punchcards and had a lower error rate than Palm Beach County. The problem is not punchcards. The problem was in the voting booth with the voters in Palm Beach County.

Whatever the issue, whatever the reason, whatever the problem, the people of Palm Beach, their elected officials, had the opportunity to review the problem and correct it. There are a number of ways they could do it. If they want to use money that is available to buy a checking machine, they can do that. If they want to put up signs and tell the people, look at the ballot, we are going to put lines on the ballot that show which are color coded so each office has a color code, they can do that. The fact that they need to do that in Palm Beach County, or in Cook County, IL, is not a reason why the dollars that are going to improve the voting system in our State or any other State should be required to get some kind of fancy machine that they do not have or buy equipment that they do not need.

The performance of voting machines is affected by many factors that go beyond the equipment. Some of that is the skill and training of poll workers. Mistakes made by the individual voters do occur. Some voters choose not to cast a ballot.

I have pointed out in my discussions that one time when I ran, my opponent and I, in a large suburban county, received less votes than an uncontested candidate for Congress received. Now, were those under votes? I regret to say that I cannot claim they were under votes. I think maybe the voters chose to say they did not want either one of us. That is one of the choices that voters make.

There are some administrators I have talked to who say that dollar for dollar you can get more and better results in assuring voters really cast the vote they want to cast with voter education and poll worker training. Machines do not solve all human problems. We are going to make machines available for those who have conditions that require special needs. We are going to provide assistance to those States and those areas where they think they need to use a different kind of machine.

The punchcards serve specific local needs. With a punchcard machine, each voter needs a blank punchcard. With an optical scan, they need a separate ballot. With this bill, we expand the language requirements of new voters in very large jurisdictions with many offers and propositions. It may be to provide the punchcard makes more sense than other technologies. Why should they not be able to use it?

I believe that we are on the right track by providing assistance. Where local jurisdictions find they have problems, where they do not feel a need or for some reason or another punchcards do not work, we are providing some money and they ought to step up to the plate and put in some of their own money and get something they think would work. I strongly object to saying we are in this bill going to mandate that everybody uses a certain kind of machine or has a certain kind of check and balance. We have already gotten into the business of local elections on a grand scale and, frankly, I do not think most of us who have had experience in elections want to see the Federal Government take over the function totally. We are making money available for those jurisdictions and those States which think they ought to have a different system.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, we all know, regrettably, we are going to be spending the Social Security surplus in this year's budget, and this amendment, in effect, would require us to spend some of the Social Security

surplus to buy new voting machines. It seems to me that is a particularly inappropriate use of the Social Security surplus, which is, in fact, going to be spent this year on such items as fighting the war abroad and homeland security.

I want to echo the comments of Senator KIT BOND. There are 64,337 precincts in America that use punchcards. Nearly 50 million voters vote on punchcards. The practical effect of the amendment of the Senator from Illinois is to replace the vast majority of those with some system, which is why the Senator from Connecticut, the chairman of the committee, who would otherwise be in favor of this amendment, has stated that this begins to unravel the bill.

If we mandate a particular voting system in this way, there will be lots of other amendments coming in mandating other kinds of methods of voting. So I hope this amendment will be defeated. I think it is a path we do not want to go down if we are serious about trying to enact this legislation. I know the chairman of the committee and I are certainly serious about it. We think it would be a step in the right direction and an appropriate step to take. We have managed to get together on the bipartisan basis and we hope we can keep that bipartisan spirit together and move this bill toward passage.

I am unaware of any other debate. Did Senator BOND reserve the remainder of his time?

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. Then I will reserve the remainder of my time.

Mr. DURBIN. Madam President, how much time is remaining under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes. The Senator from Missouri has 6 minutes. The Senator from Kentucky has 3 minutes.

Mr. DURBIN. I don't know if the Senator from Missouri wants additional time. I thought we were aiming for 10 minutes to 3.

Mr. DODD. There is nothing in the Constitution that prohibits the Senator from yielding back time.

Mr. DURBIN. I have not used the last 5 minutes. I thank the Senator for his always valuable advice.

The Senator from Missouri, in all fairness, was not here at the opening of my comments about the system. I want the Senator to reflect for a moment on some of the things he said and some of the things which we know to be true. The Senator undoubtedly points to St. Louis County which has an excellent record on the punchcard system. But the simple fact according to the Caltech-MIT study is that nationwide the No. 1 voting system which voided ballots cast for President in the year 2000 was the punchcard system. There was no other system as bad as the punchcard system for taking away a person's right to vote for President in the year 2000. That is a fact. They conclude 300,000 Americans went to vote for President and their votes were not counted on punchcard systems, but would have been on other systems such as optical scan. Punchcard systems didn't work as well. They spoiled their ballots.

To suggest there is no problem defies the obvious statistical information in evidence we have been given.

The Senator from Missouri also said you can check out your ballot before you leave the punchcard voting place. He is right. I have done it. It is no small feat. Remember those pictures of the judges in Florida staring at the little holes in the cards, trying to figure out which hole had been punched, what was hanging, what was pregnant, what was gone, what was here, what was there?

If we are going to turn voting in America into this kind of bunco game to see how we can stop someone from exercising their right to vote, we ought to mandate punchcard systems. We know that is the system that takes the vote away for President of the United States, whether you are a Democrat or a Republican.

I know what it means to check the ballots, the punchcard ballots. Better have good eyesight and patience to match up every hole in the card to the number next to it on the ballot in front of you.

There has been lots of talk about Federal mandates. I didn't write the compromise substitute amendment before the Senate. I believe the Senator from Connecticut, the Senator from Kentucky, and even the Senator from Missouri had a voice in this. I refer Members to the opening of this amendment. Here is what the amendment the Senator is prepared to support, the substitute bill, says: Each voting system used in an election for Federal office shall meet the following requirements.

Like it or not, that is a mandate.

Among the requirements is to have a system that notifies voters of overvotes, and to give the voter the power to verify votes and the power to correct errors. That is a mandate currently in the law.

Senator BOND's amendment said we will make an exception for punchcard machines for one out of three voters. This Federal requirement to make sure people's votes count will not apply in a punchcard system.

I don't think that is fair. I don't think it is fair to voters across America who have little voice in the process as to what kind of voting machine they will face on election day.

What I think makes sense is to treat voters as fairly as possible, whether they live in St. Louis County, St. Louis city, or in rural Missouri. The same thing is true in Illinois.

What I am doing, some can say, is not to my advantage. Cook County has a court order saying we will check the punchcards to make sure people get a chance to vote correctly. This amendment will apply to the whole State, the Republican rural areas as well as the inner-city Democratic areas.

Make no mistake, the people most likely disadvantaged by the weakness of the punchcard system are people living in cities that are overwhelmingly minority and low-income people. Once again, when it comes to voting in America, if you happen to have enough money and live in the right place in America, you are not going to have a problem on election day. But if you happen to be a hard-working, blue-collar person who comes in to vote and is stuck with a punchcard system, the deck is stacked against you. And this bill doesn't help you one darned bit.

If we are going to do anything fair across America to help the situation in Florida and ourselves, for goodness' sake, give every American an opportunity to have their vote counted.

I reserve the remainder of my time.

Mr. DODD. Madam President, with all due respect, I agree with much of what my colleague said, but I want to make a couple of corrections. The $3.5 billion, we are told, is the number if every single precinct in the country decided to change every voting machine. It has to be the most sophisticated equipment you can buy. The number we have put in this bill is not drawn out of thin air. This is a number that should accommodate virtually every jurisdiction to make changes. Obviously that will not happen in every jurisdiction. But the money will be there, provided the Appropriations Committee supports what the President asked for in this budget and what we included.

Second, I make the case again, this bill gives people the right to be able to verify how they have voted and to have the right to ask for that check to occur. It says nothing in here to prohibit that. In fact, the resources are going to the States, and in this particular case, so they can get the equipment that Illinois will have in Cook County, to be able to update its punchcard system or whatever else it wants to have.

These are very significant steps forward that come closer to addressing the problem that the Senator from Illinois identified. Not as comprehensively as he would, I add, with his amendment; his amendment goes much further than that. I am not really disagreeing except to the extent I try to present to this entire Chamber a bill that would enjoy the support of an overwhelming majority of Democrats and Republicans. That is not an easy task when it comes to election reform.

I have great respect for my colleague from Illinois, and I urge our colleagues to vote their conscience, although on this issue I happen to disagree.

If there is no further requests for time, I urge we get to a vote on this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I concur with the Senator from Connecticut we should move along as quickly as possible.

There were a number of items raised. Apparently, there was a misunderstanding. The Senator from Illinois claimed I said some things I didn't say. I didn't say there were no problems. I didn't say they didn't have a problem in Cook County. They have a court order. Apparently, they do have a problem. They may well have a problem in Palm Beach County.

I said we provide some money that can assist them in curing their problem. We want to see elections honestly and fairly conducted and do everything we can to assist the voter to make the right choice and be able to cast their ballots as they wish. There is no requirement in this bill that if you have a paper ballot you have to have a machine to check it. If you have a mail-in ballot, you don't have to send it back if it is overvoted or undervoted. If you have an optical scan, there is no way to check it.

On these things where there is a piece of paper, optical scan or a punchcard, we say we are putting money for voter education to tell voters how to do it. It is not like the poor people trying to come up with ideas about what is a hanging chad or what is a pregnant chad. With a little voter education you can tell them, if you are not sure after you punched the ballot, you look at it. If you do not think you got it right, you can get another one and do it right.

There is an obligation on the voter and there are all different kinds of voting equipment and systems to make sure he or she makes the right choice. As I said, part of that is making sure if you want to vote for candidate A, you vote for candidate A. This is not a big brother nation where we go in and guarantee everybody is going to make every right choice. There are lots of errors.

As a matter of fact, some of the most expensive equipment we have, the DRE equipment, a whiz-bang machine, the error rate is equal to the error rate on punchcards. By the way, the studies that have been done show there is no link whatsoever between the kind of system or the technology available and the economic status of the voting area. That is what I would call a red herring.

St. Louis County, MO, has some of the wealthiest and some of the poorest voters in our State. They all get to use a punchcard.

In Audrain County, MO, we don't have a lot on the high end. We have a lot in the low end. We have a lot in the middle. We use a punchcard. I don't think we ought to be saying that because folks in Cook County or Palm Beach have had problems with punchcards—given the fact that our county clerk in Audrain County makes the system work for the people who vote there, we should not have to go back and tell them: Whoa, you have to spend some money, take the available Federal resources, match it, because you need to have a different kind of equipment to check the punchcard. Most of the folks back home at the coffee shop would say, after all this whoop-de-la in Florida, they are going to look at the ballot and make sure they punched the things out that they wanted to punch out.

I do not believe we need to intrude further on the management of elections by saying you can't use a punchcard machine unless you have another form of device. I urge my colleagues to defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank, again, the Senator from Missouri for his contributions to this debate and reiterate that the key to this is voter education, as Senator BOND pointed out, and with the punchcard there is an opportunity to correct.

Assuming the amendment of the Senator from Illinois is agreed to, this is going to use up close to $1 billion of the $3.5 billion authorized in this bill. Then I wouldn't be surprised to see other Senators coming over, offering amendments to mandate other kinds of voting machines.

So I think this amendment should be opposed. I think it begins to unravel the bill. I hope our colleagues will not support the Durbin amendment.

Is all time yielded back?

I reserve the time.

The PRESIDING OFFICER. The Senator from Illinois has 30 seconds.

Mr. DURBIN. Madam President, the debate we just heard is probably a replay of many arguments over the Voting Rights Act of 1965: It is a matter of States' rights. It isn't the Congress's responsibility. This is too big a job.

But we decided in the 1960s that the accident of birth or color would not deny you your right to vote in America. Today, by turning down this amendment, we would say the accident of the voting machine that you face wherever you happen to be registered can turn away your right to vote, can deny you this basic constitutional franchise.

One out of three voters will not have the protection of this law because the compromise legislation doesn't provide for notification in punchcard systems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCONNELL. I would like my colleagues to understand that voting for the Durbin amendment means spending Social Security surplus to buy voting machines—spending Social Security surplus to buy voting machines. I hope that is a step we will not take, and I urge my colleagues to oppose the Durbin amendment.

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri has time remaining.

Mr. BOND. Madam President, briefly, this is not, as has been characterized, a replay of the basic Voting Rights Act. We assure everyone has a right to education. We are just not mandating a new machine be purchased in every jurisdiction, whether they need it or not. They work in many jurisdictions. If they do not work, let those jurisdictions fix them. We are not going to mandate that everybody spend money on them.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2895. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Montana (Mr. BAUCUS) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 50, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—44

Bayh	Durbin	Lieberman
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carper	Inouye	Rockefeller
Cleland	Jeffords	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dorgan	Levin	

NAYS—50

Allard	Frist	Nelson (NE)
Allen	Gramm	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Helms	Shelby
Carnahan	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Johnson	Specter
Craig	Kyl	Stevens
Crapo	Lincoln	Thomas
DeWine	Lott	Thompson
Dodd	Lugar	Thurmond
Ensign	McCain	Voinovich
Enzi	McConnell	Warner
Fitzgerald	Murkowski	

NOT VOTING—6

Akaka	Bennett	Domenici
Baucus	Campbell	Hatch

The amendment (No. 2895) was rejected.

Mr. BOND. Madam President, I move to reconsider the vote and move to lay that motion on the table

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BURNS. Madam President, I believe the Senator from Montana is ready to call up an amendment.

AMENDMENT NO. 2887

Mr. BURNS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 2887.

Mr. BURNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the ability of election officials to remove registrants from official list of voters on grounds of change of residence)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: '', except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.''.

Mr. BURNS. Madam President, this is a very simple amendment.

Mr. DODD. Madam President, I know the Senators from Florida had a proposal they want to present and on which we are prepared to rule. The Senator from Connecticut also had a proposal, as well as the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BURNS. Madam President, if I am out of line, I could be put back in line very easily.

Mr. DODD. That would be a first, Madam President.

How much time does the Senator from Montana want on his amendment?

Mr. BURNS. I don't think it is going to take much more than 15 minutes. If you had somebody scheduled in front of me, I say to the Senator from Connecticut, I would facilitate that.

Mr. DODD. I appreciate the Senator's consideration. What we might do is proceed with the Senator from Connecticut, then the two Senators from Florida—they need a very short amount of time on their proposal, and it may be accepted—then the Senator from Montana. We will try to get some time agreements and see if we can't get some other Senators to come forward. We will move these things in order. We will move in that fashion, if that is all right.

Mr. BOND. Madam President, I might suggest, we just had an amendment from your side. If this amendment could be handled in 15 minutes, why don't we work on getting time agreements, go back and forth to the extent that we have an equal number of amendments?

Mr. DODD. I am prepared to do that as well. In the meantime, my colleague from Montana very graciously has offered to wait because I did make a commitment to my colleague from Connecticut. You don't want to get me in trouble in Connecticut. Let me turn to my colleague from Connecticut.

AMENDMENT NO. 2889

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Connecticut, the distinguished chair and manager of this very critical piece of legislation. I thank Senator DODD and Senator MCCONNELL for the bipartisan agreement they have that brings forth this historic reform legislation.

As the Presiding Officer knows well, I have a particularly personal and poignant series of memories related to the election of 2000, most of them really quite good until post-election day. As my mother, if I may quote her in this great Chamber, said: There must have been a reason that happened.

Maybe one of the reasons was to lead to the election reform proposal that is before this Chamber which I think will take significant strides forward in making sure that if we ever have a national election as close as the one in 2000 again, there will be a series of laws and procedures in place, an ongoing commission in place that will make certain, one, that the right of citizens to vote is not just the right to cast their ballot but the right to have that vote counted, of which millions were not counted throughout the country, and that there be a more orderly process for determining, without resort to courts, what the result of that election was.

Bottom line: I thank Senator DODD and Senator MCCONNELL for bringing this bill forward.

I call up amendment No. 2889, which I have placed at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. FEINGOLD, proposes an amendment numbered 2889.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for full voting representation in Congress for the citizens of the District of Columbia, to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, the community of American citizens who are residents of the District constituting the seat of Government of the United States shall have full voting representation in Congress.

SEC. ___. EXEMPTION FROM TAX FOR INDIVIDUALS WHO ARE RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 138 the following new section:

''SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.

''(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—This section shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and the Senate by individuals who are elected by the voters of the District and who have the same voting rights in the House of Representatives and the Senate as Members who represent States.

''(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

''(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

''(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, income which is attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

''(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

''(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

''(B) any credit,

properly allocable or chargeable against amounts excluded from gross income under this subsection.

''(d) DETERMINATION OF RESIDENCY.—

''(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

''(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.''.

(b) NO WAGE WITHHOLDING.—Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

''(E) for services for an employer performed by an employee if it is reasonable to

believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or''.

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

''Sec. 138A. Residents of the District of Columbia.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

Mr. LIEBERMAN. Madam President, this is an amendment that I am introducing and will then withdraw. I thought it was important to put this issue before the Chamber while we are considering comprehensive election reform legislation because in our country the right to vote is a sacred right. The vote is a civic entitlement of every American citizen. We believe the vote to be democracy's most essential tool. Not only is the vote the indispensable sparkplug of our democracy, the vote is the sine qua non of democracy and equality because each person's vote is of equal weight, no matter what their wealth is or their station in life—or is it?

That is the question this amendment poses. As we engage in this debate to remedy the voting problems that arose in the election of 2000, we have to acknowledge the most longstanding denial of voting representation in our country, and that is the denial of voting rights to the citizens who live right here in our Nation's Capital. The nearly 600,000 people who live in the Nation's Capital are denied voting representation in the Congress of the United States. Citizens of DC have a nonvoting delegate in the House who may vote in committees but not on the House floor. DC citizens—our fellow citizens—are not represented in this body at all. Yet, as we speak, residents of the District of Columbia are engaged abroad and at home in the current war against terrorism alongside other Americans.

The people who live here in our Nation's Capital have always met each and every obligation of citizenship. They have fought and died in all of our wars, often in greater numbers proportionately, and even absolutely, than larger States. In fact, sadly, the casualties of District residents in our wars have been increasing.

In World War I, the district suffered more casualties than three States. In World War II, it suffered more casualties than four States. In Korea, it suffered more casualties than eight States. And in Vietnam, more residents of the District of Columbia were casualties than in 10 States.

I am the sponsor of legislation before the Finance Committee at this point which is called the No Taxation Without Representation Act. Its name is taken, of course, from our own revolution because our forebears went to war rather than pay taxes without being represented. Citizens of our Capital believe in the principles of the Nation's revolutionary heroes established as a result of our own revolution. Today, they are using the only tools of democracy available to them to secure voting representation in Congress. They are seeking redress of their legitimate grievances from us in Congress.

Madam President, despite the bill's title—No Taxation Without Representation Act—the people of the District seek voting representation, not exemption from taxes. I must admit there are employees of our office who are residents of the District who have been tempted to have the exclusion go the other way. The tax provision is in the bill for effect—perhaps an ironic effect—to remind us of the American principle that gave birth to the Nation—that no man or woman should be required to pay taxes to a government until represented by a vote on what that government does or requires.

No other taxpaying Americans are required to pay taxes without representation in Congress. Indeed, residents of the District of Columbia are second per capita in taxes paid to the Federal Government—comparing them to all the States of the Union. Tax issues, of course, are some of the most contentious issues that come before the Congress. We cannot even begin to contemplate how our own constituents would react if we could not vote one way or another on pending tax legislation that would have so personal an effect on them.

I support voting rights for District residents for the same reason I support the historic election reform bill before us today. The great principle of voting rights is riding on both bills. I know the American people believe their national credo requires that no taxpaying Americans are to be excluded from voting representation in Congress. A national public opinion poll suggests as much. The majority of Americans believe that DC residents already have congressional voting rights. When informed that they do not, 80 percent say, around the country, that DC residents should have full representation.

Like the bill before us, our No Taxation Without Representation Act seeks to vindicate the precious right of voting representation. As I said at the outset, I do not intend to press for a vote on this amendment at this time. That is a decision that I have made in cooperation with those in the District who most advocate voting rights, including ELEANOR HOLMES NORTON. I raise voting rights for the citizens of our Capital during this discussion because these rights are a related issue of great importance to our country.

Last year was the 225th anniversary of the American Revolution, and the 200th anniversary of the establishment of the Nation's Capital. The revolutionaries who fought to establish our country, and later the wise Framers who wrote our Constitution, did not intend to penalize and deny basic rights to the citizens who settled and built our Capital into a great American city. The city had not yet been established or come under congressional jurisdiction when the Constitution was signed. In fact, the first DC residents continued to vote in Maryland and Virginia, the States from which the land for the District was ceded, for 10 years following the ratification of the Constitution.

In placing our Capital under the jurisdiction of the Congress, the Framers intended to pass to us the responsibility, I believe, to assure the rights of the citizens of the Capital once the city was established.

Unfortunately, Congress has failed to meet this obligation for more than 200 years.

So I intend to withdraw this amendment. As I do, I ask that we reconsider the denial of voting representation to the citizens of our Nation's Capital, those who live here at the heart of our democracy. The time has long since passed for Congress to extend voting representation to those who live where we do the people's business. I hope we will find a way to remedy this wrong soon.

I want to state that Senator FEINGOLD is my cosponsor and, at the appropriate time, we will submit a statement for the record in support of this amendment. I now withdraw the amendment.

Mr. DODD. Before he does that, I want to be added as a cosponsor as well.

Mr. LIEBERMAN. I am honored to do it.

The amendment (No. 2889) was withdrawn.

Mr. DODD. There have been a number of proposals such as this throughout the years for the District of Columbia to have representation. It is one of the great travesties, in my view. Many people live here. It has the population of many States, and they don't have a vote or a voice in the Senate. They have a voice, but no vote, in the House of Representatives.

I appreciate the fact that we are not going to press the issue on this bill. I commend the Senator for raising the issue, for articulating the point of view that I think many Americans, when confronted with the facts, embrace. I think they are shocked to see that this many people are excluded from representation.

Mr. FEINGOLD. Mr. President, there is no value we can attach to the most basic right of every citizen living in a democracy. The right to vote is much more than dropping a ballot in a box. The right to vote symbolizes freedom, equality, and participation in the government that creates the laws and policies under which we all live. This is why I rise today, in support of Senator LIEBERMAN's D.C. voting rights amendment.

Under our representational democracy, every American is entitled to a voting voice in Congress, a voice that seeks to speak for their interests and present their needs, unless you live in the District of Columbia.

When the District of Columbia was created as the United States Capital 200 years ago, its residents lost their right to congressional representation. It is time for us to right this wrong.

District of Columbia residents serve in the U.S. armed forces, and some of them are currently overseas fighting in our war on terrorism. D.C. residents fought and died in the Vietnam war. They keep our Federal Government and capital city running, day and night. They pay Federal taxes. And yet they have no voice. We fail to give them a say on even basic administrative matters that other states and cities decide for themselves. D.C. residents can fight and die in the name of their country, but they can't implement a local budget without the approval of Congress.

What makes this inequity particularly egregious is that District of Columbia residents, like all Americans, pay Federal taxes. So while the rest of the Nation benefits from our victory in the Revolutionary War, the voice of D.C. residents continues the rallying cry, ''No taxation without representation.'' This founding principle of our Nation, which so vigorously carried us to our Nation's independence, has still not been honored for this group of Americans.

There are approximately 490,000 Americans living in the State of Wyoming. Residents of Wyoming have three voting voices in Congress. There are 550,000 Americans living in Washington, D.C. These Americans, however, purely due to the location of their residence, have no representative with full voting authority in either the House or Senate. D.C. has one delegate, Eleanor Holmes Norton, but she does not enjoy the same right to participate in decision-making as her colleagues. And, of course, D.C. has no representation in the Senate. This is not equal representation. It is unequal representation. It is wrong. It is un-American. And it should end.

Virtually every other nation, from Albania to Zimbabwe, grants the residents of their capital cities equal representation in their legislature. It is simply an embarrassment that in these modern times, we, as the world's most powerful democracy, are denying suffrage to half a million Americans.

Since the ratification of the Constitution in 1788, the United States has forged its own suffrage history, overcoming the denial of access and extending voting rights to all Americans regardless of race, gender, wealth, marital status, or land ownership. Through our interpretation of the one-person/one-vote doctrine, we have made great strides in overcoming inequality and underrepresentation. There remains, however, this suffrage hurdle: the disenfranchisement of 550,000 District of Columbia residents.

This hurdle has been recognized by Republicans and Democrats alike. In 1978, Congress debated and passed a Constitutional amendment granting D.C. voting representation. Then-Senator Bob Dole said:

The Republican party supported DC voting representation because it was just, and in justice we could do nothing else.

The 1976 Democratic and Republican platforms were almost identical on this issue, the Republican platform stating:

We support giving the District of Columbia voting representation in the U.S. Senate and House of Representatives.

The Democratic platform echoed:

We support full Home Rule for the District of Columbia, including full voting representation in the Congress.

Unfortunately, since 1978, the Senate has not considered this important issue.

President Lincoln spoke of a ''government of the people, by the people, and for the people.'' This guiding principle has sustained America throughout some of her most trying times. Shouldn't the people who work and reside in the presence of this former president's monument, and who have contributed so much to making our Nation the great nation that it is, have the right to live by this ideal?

It is time to address this injustice. At a time when the Senate is debating election reform and reflecting on issues like antiquated voting machines, the Senate should also address one of the oldest and most egregious violations of the fundamental right to vote—the lack of full voting representation in Congress for D.C. residents.

I thank Senator LIEBERMAN for offering this important amendment, and I urge my colleagues to join our effort to allow D.C. residents to enjoy the full rights and privileges of American citizenship.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Connecticut for his kind words and for his leadership.

I ask unanimous consent that the amendment offered by Senator BURNS be set aside for a moment so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, is this another amendment?

Mr. LIEBERMAN. That is correct.

Mr. BOND. Madam President, I thought that the Senator from Montana was going to be able to go after the first amendment. I had an amendment on the death tax and small business depreciation. We were trying to expedite the procedure. I ask how long this amendment will take.

Mr. LIEBERMAN. My statement will take, at most, 10 minutes. I think the understanding, I say through the Chair, is that I would make a statement on behalf of DC voting rights and withdraw it and then proceed to an amendment, which may engender debate on the floor.

AMENDMENT NO. 2890

Madam President, I have amendment No. 2890 at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 2890.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize administrative leave for Federal employees to perform poll worker service in Federal elections)

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Employee Voter Assistance Act of 2002''.

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

''§ 6329. Leave for poll worker service

''(a) In this section, the term—

''(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

''(2) 'political appointee' means any individual who—

''(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

''(B) is employed in a position on the executive schedule under sections 5312 through 5316;

''(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

''(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

''(3) 'poll worker service'—

''(A) means—

''(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

''(ii) training before or on that date to perform service described under clause (i); and

''(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

''(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

''(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

''(2) Leave under this section—

''(A) shall be in addition to any other leave to which an employee is otherwise entitled;

''(B) may not exceed 3 days in any calendar year; and

''(C) may be used only in the calendar year in which that leave is granted.

''(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

''(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

''6329. Leave for poll worker service.''.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

Mr. LIEBERMAN. I thank the Chair.

Madam President, this amendment will address one of the most critical problems in our electoral process. It is consistent with the overall purpose of the bill, and that is the pressing need for more trained and able poll workers to serve during Federal elections.

Obviously, our democracy is run by a cast of millions of voters who deserve to cast their ballots in the full confidence that they will be counted. This landmark legislation will provide much needed funding to States and localities to improve voting systems and standards, to create computerized statewide voter registration systems, to improve accessibility for voters with disabilities, and it will provide provisional voting so that all eligible voters who go to the polls can be assured they can cast their vote.

These are all very important improvements, the fruit of constructive, broad-ranging, and bipartisan discussion on election reform that has been conducted over the last 14 months and led with great purpose and ability by my friend and colleague from Connecticut.

However, comparatively little attention has been paid to solving another problem that affects our electoral process, and that is the difficulty that local jurisdictions have in recruiting and training enough people to work at the polls on election day.

We need an army of trained, responsible, reliable, experienced people to work at the polls on election day to ensure that the laws we adopt, including the one before us, are implemented fully and that the elections are conducted efficiently and fairly. Right now, from all that the experts tell us, that army of poll workers is without sufficient support. There are not enough troops to carry out the responsibilities that they have. In fact, the General Accounting Office, the National Commission on Election Reform, which was chaired by former Presidents Carter and Ford, and a host of others who have examined the whole question of the way we cast our votes, have documented the extent of this problem of inadequacy of numbers of poll workers.

In most locations, the recruiting and training of qualified poll workers is one of the most crucial, yet difficult, tasks that election officials face. Fifty-seven percent of local election officials responding to a GAO mail survey said they encountered major problems in conducting the 2000 election.

GAO estimated that more than half of the election jurisdictions encountered problems finding a sufficient number of poll workers. I repeat that. GAO estimated that more than half of the election jurisdictions in the United States in the 2000 Presidential election had problems finding a sufficient number of poll workers.

There are many reasons why local jurisdictions have had these difficulties. Obviously, the hours are long, the pay is low, and funding for training workers is in short supply. That is a particular problem given the fact that advanced new voting systems that will be unfamiliar to many voters will soon be deployed in many jurisdictions as a result of the difficulties in the 2000 election and, in fact, hopefully as a result of the funding and requirements established and provided for in this bill.

Many poll workers are now drawn from the ranks of senior citizens and retirees. This legislation already addresses some of these issues by providing States with additional funding and holding them accountable for improving management of the polling place, but we can and should do more.

We often lament how voter turnout rates have fallen in our democracy. I regret today that given our shortage of poll workers, if our dreams of civic participation were to become true and voter turnout were to surge upward, it would present a logistical nightmare in many jurisdictions because the poll workers are stretched, stressed, and strained as it is, and they need their ranks to be bolstered.

I support such efforts as those in the legislation passed by our colleagues in the other body to encourage students to become active in politics and work at the polls. However, I do not think that is enough. We need to do more.

Fortunately, there is an able reserve force of civic-minded people. I am speaking of Federal employees. I am convinced many are ready to spring into action if they are encouraged to do so by a law and their agencies. I believe the Federal Government should welcome its employees' service on the front lines of our democracy.

This amendment would allow Federal civil servants, not political appointees, to take time off with pay for training and then to work as nonpartisan poll workers in Federal elections. We are not talking about election workers for either party but nonpartisan poll workers. Most civil servants demonstrate daily they have the temperament and maturity necessary to serve citizens at the polls.

Moreover, because many Federal employees are bilingual, they would be a particular asset to foreign-language-speaking voters, addressing yet another problem facing many jurisdictions as they organize elections.

I stress that this amendment would authorize civil servants to be paid by their agency only to work in nonpartisan capacities. Anyone who wants to serve in a partisan capacity must do so on their own time at their own expense.

I am also not proposing in this amendment that we establish a general election day holiday for all Federal employees. That is a separate question which we are not touching in this amendment.

Under the amendment, employees who want to participate would be allowed to do so unless their absence would impede the agency's ability to accomplish its mission. That is an exception written into the amendment which would be exercised by their supervisors.

Employees' service at the polls would have to be substantiated in writing by election officials and would be limited to up to 3 days with pay in any single calendar year. The Office of Personnel Management would be required to draft regulations to provide guidance to agencies and employees on how to fulfill the intent of this amendment and to report to Congress on how they are doing.

It is important to note that there is some precedent for this idea. Federal employees under law are now serving in nonpartisan capacities as examiners and observers under a provision of the 1965 Voting Rights Act. During fiscal year 2000, the Office of Personnel Management provided some 550 observers and 40 examiners, either current or retired employees, to work in 10 States. They worked in areas where there were allegations of racial or ethnic discrimination in the voting process or in areas where jurisdictions have not provided the required language assistance or ballot translation. So there is a precedent for what I am proposing.

There is no way to predict with any degree of certainty how many of the 2.8 million Federal civilian employees who live and work in jurisdictions across the country would be willing to receive training and work at polls under this amendment, but Los Angeles County

has already implemented a similar program for its employees, and the results have been very encouraging. In fact, because of those results, the State of California passed legislation encouraging its employees to serve as poll workers as well.

If the Federal Government leads by example and implements this amendment, I am hopeful we will see the same thing happen across America, and State and local governments, perhaps even private employers, will follow suit to strengthen the implementation of our election laws, their fairness, and the health of our democracy.

I believe we would be remiss in passing this excellent broad legislation aimed at improving our election system without also providing a way to have an influx of new, trained, experienced workers to implement the rights we are securing with this proposal.

I urge my colleagues on both sides of the aisle to support this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First of all, let me again commend my colleague from Connecticut for a very helpful proposal. I do not know if we are going to adopt this today. I do not know how the votes would come out on all of this, but I think the idea of making elections more accessible and making available the opportunity for people to participate more is a good idea. As the Senator pointed out, Congressman HOYER in the House-passed version of this bill has a provision that actually encourages the participation of college students in the electoral process, volunteers.

Our colleague from Maryland, Senator SARBANES, has a similar proposal he intends to offer at some point before final passage of this bill, as well as Senator HOLLINGS and Senator BOXER. I can think of several others who have proposed the idea. Senator BYRD has had a strong interest in the idea of a holiday or a day other than the first Tuesday after the first Monday as a way to increase citizen participation in elections.

What the Senator from Connecticut has offered is, of course, a way in the interim period for people who will be able to take time away from their jobs to deal obviously with Federal elections and to be volunteers. So I am very attracted to his proposal.

What I am going to recommend is we might set aside this amendment while we consider two or three other amendments, and then ask for these votes, if the Senator so insists on a recorded vote, to occur at a time we can determine shortly after we consider the Burns amendment, the Nelson and Graham amendments, maybe those three, as a way of trying to deal with some amendments en bloc.

My colleague from Connecticut and the Senator from Missouri may want to respond, or the Senator from Kentucky, to the amendment of the Senator from Connecticut.

In the interim, let me say it is about 10 minutes of 4 p.m. I urge Members to come or send staff over. We have a long list of amendments. I have shown the list before. There are Senators who have indicated they may be interested in offering amendments. I also know they may not be interested. But at 5 p.m., if I have not heard from Senators, I am going to draw the conclusion that they are not necessarily interested in offering it at this time or on this bill. So Senators have an hour to let us know whether or not they intend to move forward so we can come up with a list of amendments, maybe settle on some times and resolve many of them.

I think we can probably come to agreement on some of the amendments without votes in order to move this product along. So by 5 p.m., if I have not heard from Senators, I am going to assume that their amendment would not be offered.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my colleague from Connecticut. I would turn over the time arrangements to the distinguished Senator from Kentucky, who is the ranking member and is responsible on this side for managing the bill, but I wanted to comment on a few items.

My good friend from Connecticut, the other Senator from Connecticut, has raised some points. I come at it from a very different perspective. I want to share that very briefly.

No. 1, I wholeheartedly agree that many of the problems we have in elections today arise from the lack of dedicated, partisan poll workers and watchers looking over each other's shoulders in the election booth. This is where a lot of the problems can be cleaned up.

I am most interested and will look with a great deal of interest on any recommendations where we can get the young college Democrats and Republicans to be involved in the elections because what elections need are partisans who are aggressive and informed and will provide a check on each other to make sure the voter hears both sides and makes sure nobody who may vote for one side or another is not given full information.

Precisely for that reason, I question whether we ought to be releasing a whole group of Federal employees, who have important responsibilities serving us on a day-to-day basis, from their responsibilities to be nonpartisan poll workers. I want the biggest partisans in the world.

We had a mess in Missouri, as I have described, when I ran for Governor in 1972. I vowed to clean it up. I got the meanest Republicans I could find to serve on the election board as my representatives in the major metropolitan areas. I went to my friends who were the Democratic leaders of the Missouri General Assembly and I got them to nominate for me some of the meanest partisan—well, they were nice people but some of the very toughest, most committed partisan Democrats. They watched each other, and the system worked. That is how the system works. It is the partisans.

I think there is a great role, and I respect those who are totally nonpartisan, but I do not want them looking out for my interests in the polling booth. So I have real reservations about trying to put nonpartisans into partisan elections.

One other thing: We have so many of the folks back in the country where I am from who, if they thought Federal employees were coming in to their local elections, would think of civil disturbances because this would not sit well in a few areas of my State, and I perhaps would suggest Montana might find that to be a bit objectionable.

So I commend the Senator from Connecticut for his idea, but I think it is searching for a question rather than a solution to the problems we have.

I turn it over to the managers to determine any arrangements that need to be made, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, in response to my friend from Missouri, I suppose I should start by saying I admire his respect for checks and balances, and there are some partisan workers at polling places, but the problem highlighted by the GAO study and by the commission headed by Presidents Carter and Ford was the simple inability for a lot of local jurisdictions around the country to find an adequate number of people to staff the polls, not partisan positions, and there is a way in which there is enough political battle, partisan battle, that goes on to excess that when one gets to the polling place, they would like to believe there were some people there whose responsibility simply was to protect their right to vote and make sure their vote was counted, and those are the nonpartisan officials in every election jurisdiction across this country. So that is what these Federal employees would be able to do.

I assure my friend from Missouri this is not going to be a Federal invasion of the local election process. This is very much a voluntary issue, which is, if local election officials want someone living in their town, their neighbor presumably, maybe even their friend, though a Federal worker, perhaps even a trusted friend, to work in the polling place, then that would give the Federal employee the opportunity to take the day off with pay. They would not receive any pay from the localities. This would actually be a help to the local governments. They would get not only first-class, nonpartisan poll workers but would not have to pay for them. That is what this is all about.

I thank Senator DODD for the time he has given me. I will move in a moment to set the amendment aside, but I do want a recorded vote, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LIEBERMAN. I ask unanimous consent that the amendment now be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, we have been talking about poll workers, and we would be remiss if we did not point out, because there are literally thousands of people across this country every election day, not just on the first Tuesday after the first Monday but also referenda that occur in our States and communities all during the year, that these are dedicated volunteers. It is really a remarkable thing, despite the shortcomings in the process today, that from the beginning of our Nation's history it has been voluntary citizens who have offered their time at all the polling precincts across the country to participate in the election process of the country.

I would not want the day nor the discussion to end and not point out that we have great respect and admiration for these people throughout the years who have given so much of their time and effort to see to it that the election process works in this country.

The Senator from Connecticut, my colleague, made a wonderful suggestion for expanding the ranks of people who would like to do this. Senator SARBANES, I believe, will offer an amendment to encourage young people in college to get involved. We ought to applaud the efforts while we simultaneously thank those who have given so much.

I urge Members—and I think my colleague from Kentucky will do the same—if Members have amendments, get them over here and talk to our staffs to shorten the list and complete the bill, hopefully.

I yield 20 minutes to my colleague from Montana, and I ask unanimous consent to consider the amendment of the Senator from Montana, with the 20 minutes equally divided on both sides, pros and cons.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2887

Mr. BURNS. I thank my good friend from Connecticut. I call up my amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BURNS. This is a simple amendment that allows clerks and recorders and election directors in each of the counties to purge their lists. I am sure all States have college towns with a transient population. In Missoula County, there are currently 86,266 registered voters. What is noteworthy about that is, of the 86,266 registered voters, there are only 76,067 eligible voters. We have over 10,000 voters, 1 out of 8 registered, that our election officials are required to keep on the list but who cannot vote in the county. That is only one county in one State across this Nation.

If we are going to suggest changes in the way we cast our votes on the national level, it makes sense to allow election administrators to purge their lists in less than 8 years. Right now, the legislation calls for that purge every other Presidential election, or every 8 years. I suggest in my amendment we do it after two Federal elections to make sure the list they have is accurate and it is not outdated. Not purging leads to mischief, it invites fraud, but it also jeopardizes the integrity of one of our basic fundamental rights; that is, the right to vote. It is a simple amendment. It is an amendment that needs to be implemented.

We have counties that have a population of only 1,800 people with 2,500 square miles in the county, and we cannot purge those lists in those counties.

We have some polling places that have no electricity.

Everybody found that sort of humorous. Imagine the migration from the rural areas to cities, which is quite evident in my State. Some old country schoolhouses have been maintained but have no electricity. The only heat is an old potbellied stove. But they become a polling place during elections. There is no telephone, no electricity, and they are lit by lantern. It works very well. We do not want to change that.

This amendment calls for the purge of the lists after every other Federal election is held, meaning it would be purged after 4 years. And that is a long time. It makes good sense. It is common sense that we do it this way. It helps out in handling the expenses of counties in conducting elections.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 6 minutes 16 seconds remaining.

Mr. DODD. I say to my good friend from Montana, with whom all Members enjoy a wonderful relationship, a basic problem is not only should the people have the right to vote, they should all have the right not to vote. If people decide they do not want to vote—we would like them to vote, we hope they do, but citizens from time to time decide, for whatever reason, they do not want to participate in an election or two. That should not automatically result in their being purged from the list in the community in which they reside.

We worked hard in this bill to come up with a centralized, statewide voter registration system, which is going to be a major step, as the Senator from Missouri has pointed out, in dealing with fraud. As part of that, we drafted a uniform standard for purging those lists so we have the same standards to apply around the country. Obviously, we know there are differences in the country from one place to the next.

This is not an onerous burden at all, in our view. It is a provision that took a lot of time to work out. This would flip motor-voter on its head and allow jurisdictions to purge voters for not voting. That has never been the intent.

With a great deal of respect for my colleague from Montana, I urge the defeat of this amendment. I think this would be a major setback for a carefully crafted bill. I point out to my colleagues, we tried to craft a piece of bipartisan legislation. In so doing, it means we have to accept provisions that you might not have written yourself, and you fight to have provisions you care deeply about to be included. That is what this legislation reflects. To change the purging requirements on this basis would be a major setback in that effort.

For those reasons, I urge the rejection of the amendment.

The PRESIDING OFFICER. The Senator from Connecticut has consumed approximately 2 minutes.

Mr. BOND. If the Senator from Connecticut would yield me 1 minute, Madam President, as the Senator mentioned, this is one of the provisions on which we worked long and hard. I advocated greater flexibility for purging. But at the same time, I was asking for more controls over mail-in registrations, making sure we had live people voting once, not dead people, not dogs. We came to a compromise in our negotiations that obviously went further than the other side would like on verifying mail-in registration and didn't go as far as I would like on the punching.

I will vote with my friend from Connecticut, although I believe and I am quite confident that the Senator from Montana has pointed out some real problems. I hope perhaps we could in conference continue the discussion to make sure we keep the voting lists clean. That is not just a problem for preventing fraud, that is a problem for assuring there is not unnecessary hassle or delay with the people who want to vote.

Clean, adequate, statewide registration rolls make it easier to vote and tougher to cheat. I hope we can have further discussions in this area to make sure we provide the best tools possible to the State and local officials while maintaining the basic goals of the Federal legislation.

Mr. BURNS. Mr. President, I think this gets down to where we really want to be in cleaning up this situation on voting lists, registrations, and everything that goes with elections. Whenever you have a list that is inaccurate, whether it be by address or by name or by whatever, and there is a huge list of names on the inactive list, this absolutely invites fraud and mischief. It also invites the situation where, if you are a voter and you want to vote and that list is inaccurate, you may not be able or allowed to vote.

That is why the purge of the list at least every 4 years is necessary. I am adamant on this because I come out of county government. I was just a little, old county commissioner, but I understand the challenges one has putting on elections. I also understand the cost. I also understand what it costs to

maintain a database that is accessible and easy to change as the times or the circumstance would suggest.

This may be a part of our problem in facing the challenges of elections, trying to keep ''one vote, one person'' and making sure that person is on the list and can vote.

I ask support of my amendment. I understand the work the managers have done on this legislation. I fully understand that and I fully understand where they come from. But as we move forward, if we have difficulties and we see the difficulties of maintaining the lists, then we can also reconsider this at a later time.

I appreciate the cooperation of the managers, and my good friend from Connecticut, and I will yield the remainder of my time, but first I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. I yield back my time as well. I ask unanimous consent the amendment of the Senator from Montana be temporarily laid aside so we can stack some votes. We will turn now to my colleague from Florida to offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 2904

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk. This is an amendment offered by Senator GRAHAM and me.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. GRAHAM, proposes an amendment numbered 2904.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Attorney General to submit to Congress reports on the investigation of the Department of Justice regarding violations of voting rights in the 2000 elections for Federal office)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REPORTS ON VOTING RIGHTS VIOLATIONS IN THE 2000 ELECTIONS.

(a) STATUS REPORTS.—

(1) IN GENERAL.—Not later than the date that is 60 days after the date of enactment of this Act, and each 60 days thereafter until the investigation of the Attorney General regarding violations of voting rights that occurred during the elections for Federal office conducted in November 2000 (in this section referred to as the ''investigation'') has concluded, the Attorney General shall submit to Congress a report on the status of the investigation.

(2) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(A) An accounting of the resources that the Attorney General has committed to the investigation prior to the date of enactment of this Act and an estimate of the resources that the Attorney General intends to commit to the investigation after such date.

(B) The date on which the Attorney General intends to conclude the investigation.

(C) A description of the measures that the Attorney General has taken to ensure that the voting rights violations that are the subject of the investigation do not occur during subsequent elections for Federal office.

(D) A description of any potential prosecutions for voting rights violations resulting from the investigation and the range of potential punishments for such violations.

(b) FINAL REPORT.—Not later than the date that is 60 days after the date of the conclusion of the investigation, the Attorney General shall submit to Congress a final report on the investigation that contains a summary of each preventive action and each punitive action taken by the Attorney General as part of the investigation and a justification for each action taken.

Mr. NELSON of Florida. Mr. President, Senator GRAHAM and I are offering an amendment which would require the Attorney General to report to Congress on the status of the Justice Department's investigation into alleged voting rights violations during the 2000 election.

The Attorney General promised to deliver this information during his Senate confirmation, but 1 year later we are still in the dark. We have not been getting these reports. Senator GRAHAM and I have sent letters. That did produce a meeting with Justice Department officials.

We asked that a report be sent to us monthly. It has not. One or at most two reports out of 12 months have been sent to us.

I regret this legislation is necessary, but the Department has left us with no other option. Senator GRAHAM and I have repeatedly asked the Voting Rights Office to fulfill the Attorney General's promise, and each time we have requested this status report the Voting Rights Office has promised to comply, yet we have received almost nothing over a 12-month period. That is not the way government is supposed to work.

So we come to the Senate today to ask that the Department's behavior change. We think it is unacceptable. It directly contravenes the Senate's ability to exercise its oversight authority over these investigations.

As we have discussed earlier today on the election reform bill, our State is certainly riveted to the subject matter that we are discussing today and particularly now the amendment Senator GRAHAM and I offer. The people of Florida deserve answers about what went wrong in that 2000 election, and we want to get some answers.

Basically, we want to know, how is the Justice Department investigation going? We want a status report. In our bill, we are asking for one every 2 months. Then we say, after the Attorney General's office concludes their own investigation, that within 60 days they report that to the Congress.

I express my support for the underlying bill and my thanks to Senators DODD and MCCONNELL for crafting a bill that will greatly improve the election process. Nothing is more fundamental than the right to vote. We saw in the experience in Florida that there were some flaws in the system.

I thank the Senator from Missouri, the ranking member, Senator MCCONNELL, and Senator DODD for bringing such an important piece of legislation to the floor.

I yield to my colleague from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, we are here this afternoon largely because of the events which surrounded the election in November of 2000. Had there not been the degree of turmoil and controversy and allegations, it is unlikely there would have been the public momentum that led to the development of this very constructive national legislation that I hope we are about to adopt.

There have been other arenas which have been touched by the events of November 2000. Many of our State legislatures have adopted new procedures, including voting machines, means by which voters will have an opportunity to have second ballot checks, and other methods, all of which are intended to assure that Americans will have the maximum opportunity within the law to participate in our democracy.

There is another forum, as my good friend and colleague has indicated, which has not been functioning as it indicated it would. That is the executive responsibility.

In the past, this Congress has adopted a set of laws which represent the national standards for elections. They are particularly sensitive to those voters who, maybe in the past, had a history of not having full access to voting rights. As part of that process, if there are allegations of irregularities, they are referred to the Department of Justice for a review and then what action that review indicates is appropriate.

Florida was not the only State that was affected by the turmoil of 2000. But because we happen to be the last State to have its turmoil pacified, we received a particular amount of national attention. So this issue is one especially deeply felt by the citizens of our State.

There is concern about what has happened to these allegations of irregularities that were submitted to the Department of Justice that have not yet come to closure. As Senator NELSON has indicated, we have made requests on a number of occasions to try to get an indication of where these reviews were and how close we were to getting a final resolution of these matters, and we have largely been rebuffed. I am disappointed, frankly, that we have to offer this amendment which will require that in all of the areas where there is still an outstanding unresolved allegation of violation of Federal standards of election, and where the Department of Justice has not come to final closure, there be, on a 60-day clock basis, a report to the Congress

which wrote these laws that the Department of Justice is supposed to be enforcing, as to what is happening, and how close we are to getting to a completion of this review.

This is intended to be a means by which the Congress can carry out its oversight responsibility and protect its laws—laws that, as I said, were particularly designed to protect the voting interests of all Americans, especially those Americans who in the past have not had equal access to our democratic system.

I believe this is an appropriate congressional request for information which I hope will have the result of motivating the Department to complete its review, come to closure, and let us close the chapter on the executive responsibility for the election. And I hope the Congress is soon going to, by adoption of this legislation, be closing the chapter on our responsibility for this legislation.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, for the life of me, I cannot understand. I have just spoken to one of the floor managers of the bill. I thought this was an amendment that was noncontroversial. It is my understanding that there is some objection to it.

Senator GRAHAM and I have had a meeting with the staff of the Department of Justice. They have promised us on several occasions that they would report to us on the status of the investigation as to potential voting rights violations in the Florida 2000 election.

The Department of Justice has not come through or followed up on this promise to report to us. The report was to be monthly. They haven't even reported to us in the last 6 months. It is about as noncontroversial as anything.

Senator GRAHAM and I are utilizing this vehicle to try to send a message that the executive branch of Government, when it makes a promise, has got to come through and honor their promise. This doesn't have anything to do with partisan politics. It has to do with us wanting to know that, in fact, the investigation is being conducted and that they are not sitting on their hands; that when they render their conclusions, they would deliver those conclusions to the Congress.

That can't be controversial. I don't want it to be controversial.

I am somewhat mystified that someone would put a partisan cast on that.

If the manager of the bill is not going to be willing to accept what is on its face a noncontroversial amendment, then my statements have been very mild and very nonpartisan.

What we are trying to do is make government work. The executive branch has a duty to respond to us in our oversight capacity. The two Senators from Florida have an interest in knowing that the investigation is continuing and that they are not sitting on their hands and report to the Congress once the conclusion is reached. We don't say how long they have to do it. All we do in our amendment is say every 2 months give a status report to the Congress. Then we say that at the end of their investigation when they draw their conclusion, send that report to the Congress.

I hope this is something that we don't have to spend time on. I ask the Senator from Missouri and the Senator from Kentucky to please recognize the bipartisan spirit in which this amendment is being offered and not have us go through a harangue here. I urgently plead, please accept the amendment.

The PRESIDING OFFICER. Who seeks time?

Mr. BOND. Mr. President, we have worked hard and long on a bipartisan basis to try to fix a lot of problems we saw in the past without going back to look at the problems that arose in the 2000 election, the 2001 election in my State, and others.

Frankly, there is some concern on this side of the aisle. The amendment is designed with the likelihood of reigniting a controversy that we thought we put aside. I agree 100 percent that Congress has a right, in its oversight responsibilities, to ask for reports from every agency of the executive branch. Frankly, that is what oversight hearings are for in the authorizing committees. That is what oversight hearings are for in the Appropriations Committee.

I have asked very difficult questions of agencies, both under Democratic and Republican Presidents. I think, frankly, in the last 8 years I didn't get a heck of a lot of answers. But I don't think that we bring the oversight fights to this body and try to get the body on record with what has been in the past a very political controversy.

Frankly, the Department of Justice has under consideration the allegations of criminal activity engaged in by the Gore-Lieberman campaign in both St. Louis and Kansas City. We pointed out that in those two areas, almost identical petitions were filed within 14 minutes of each other. Fortunately, the lawsuit was thrown out in Kansas City. But the judge initially ruled in favor of Gore-Lieberman in St. Louis. That is the time we found out that the person who was alleged to have been denied a right to vote had been dead for 15 months, which was probably a slightly greater impediment to him voting. That matter has been referred to the Department of Justice.

I don't think we need to go down the path of making a formal legislative finding that they should report on that. I am disappointed that we seem to be getting back into this battle by opening up the controversies of the 2000 election.

I urge my colleagues to ask in oversight committees when the representatives of the Department of Justice are there to speak for themselves, what the status is or why there is no report. I think we should not burden the bill that we are fighting to keep a bipartisan bill with something that smells to some on my side as an effort to reinject a partisan battle. This is all very partisan, I know, when it gets to elections. I believe you need to have good Republicans and good Democrats on both sides.

I just hope the distinguished Senators from Florida, for whom I have great admiration, would use the oversight hearings to ask the questions of the Department of Justice.

Mr. DODD. Mr. President, I don't believe in negotiating in public. This is not just an intellectual exercise for our colleagues from Florida because the entire world inhabited their State for a number of weeks, and the entire world watched on an excruciating basis, hour after hour of voting precincts, what they went through. It was a tremendous ordeal that the State of Florida went through.

My colleagues are being mild in their expression of the frustration their constituents felt.

I also understand the point my friend from Missouri raised. We said over and over again that this bill is about the future and not about the past. We are trying to deal with not only the situation in Florida, or one election, but, rather, a condition that has grown over the years of a corroding and deteriorating condition of the election process in America, that was reflected by what happened in the year 2000 but not exclusively so. We wanted to get away from the notion of examining, through this vehicle anyway, what had happened last year.

I think there is some frustration that my colleagues feel, however, about whether or not the Department of Justice is going to respond to inquiries they have made.

I recommend that maybe there ought to be a willingness to sign onto a letter asking them to give answers, rather than getting involved in a debate, and a vote, however it breaks down on party lines, inviting more action.

We all know the frustration in asking an agency of the Government to respond to us, and they do not do it. If that has been the case here, then maybe our colleagues, as coequals, deserve to be heard. If they are not responding to our colleagues, that is wrong. Whatever the results may be, they deserve answers. I think that is what they are asking; to be heard from and given answers.

So I might suggest that maybe a letter could be crafted, on a bipartisan basis, which we could sign and get to the Department of Justice, and ask for those answers to come back to our two colleagues. If any of our States went through what they went through, we would want nothing less. So it is a way of maybe getting away from this particular process.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, as usual, the Senator from Connecticut

has found a reasoned way to resolve this issue and avoid some of the concerns that the Senator from Missouri expressed.

As we mentioned during the conversation we had in the Senator's office about 10 days ago, Senator NELSON and I are very supportive of the underlying legislation. We do not want to be, in any way, an obstacle to its successful passage.

We do have this issue. I might say, Florida is not the only State where there are unresolved allegations of irregularities.

Mr. DODD. No.

Mr. GRAHAM. The amendment we offered was not State specific. We are requesting wherever there is yet an open file of an allegation of irregularity in the Department of Justice, the Department periodically report as to how they are progressing so that eventually there will be closure. We do not want to get to 2004 and still have open cases from the year 2000 election.

The Senator's committee is the committee that has jurisdiction over these issues. Witness the fact you produced this excellent piece of legislation. So if your committee could accomplish what, frankly, Senator NELSON and I have been frustrated in our efforts to do for the last several months, which is to get a status report—I would hope you would be asking for all States, but we would particularly urge that you do it for our State—that would satisfy our goal, which is to get to closure, not to do so in a particular process, whether it is legislation or otherwise.

The Senator has suggested a process that seems very reasonable. If you think you would be willing to do so, we will be pleased to accept the Senator's generous offer and leave.

Mr. DODD. I appreciate my colleague's comments.

I turn to my colleague from Kentucky for his comments.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Connecticut, the chairman of the committee, for an excellent suggestion.

I also thank the Senators from Florida for being willing to take this particular path. It certainly simplifies our lives and hopefully gets the response the Senators are seeking as well.

I have talked to Senator BOND. He also agrees.

So it seems to me that is a good solution to the issue.

Mr. DODD. I thank the Senator.

AMENDMENT NO. 2904 WITHDRAWN

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to withdraw the amendment based on the representations by the Rules Committee.

The PRESIDING OFFICER. The Senator has that right. Without objection, it is so ordered.

Mr. NELSON of Florida. What we are looking for are some answers. We thank you for helping us achieve that.

Mr. DODD. Mr. President, they have every right to those answers. We will do everything we can to craft a request to see to it they get those answers.

Mr. President, the pending amendment is the Kyl amendment, as I understand it. And we made a request earlier that Senator KYL of Arizona come to the Chamber.

The PRESIDING OFFICER. The pending amendment is the Lieberman amendment.

Mr. DODD. Lieberman is pending.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I say to my friend from Connecticut, we may be in a position to dispose of the Kyl amendment. I am sure that Senator LIEBERMAN would not mind if we set his amendment aside in order to achieve that.

I understand Senator KYL is on his way and should be in the Chamber momentarily.

Mr. DODD. Why don't we wait for Senator KYL to come. He is going to be here shortly.

I would like to engage in a colloquy with him about some concerns about his amendment, ones I think he may be able to address in a colloquy. We might be able to then accept that amendment and then go to the Lieberman amendment and then the Burns amendment and vote on those. I think that is where we would be at that point. We would have cleaned up at least existing matters.

We still obviously have outstanding issues. I made the point earlier, and would ask my colleague from Kentucky to join me in this request to our colleagues, please bring over or have your staff bring over amendments, if you care about them.

We have a long list. It may be that you have decided you do not particularly want to offer your amendment, but I have it here. If I do not hear from you by 5 o'clock, I am going to assume you decided you will wait for another day.

We can get a list made up so that either tonight—we may not have votes after 5:30, 6 o'clock, but that will be up to the leaders, but at least we will be able to dispose of some amendments that we can get an agreement on, or set up a schedule tomorrow, very early, so we might be able to dispose of this bill. I still hope that is possible. I realize that diminishes as each hour passes, but that may be the case.

So unless you feel a burning, overwhelming desire to bring your amendment up—and if that is the case, please let us know immediately—we are going to assume that you have decided to defer to another time.

My colleague may want to join me in that request while we are waiting for Senator KYL.

Mr. MCCONNELL. Yes. I say to my friend from Connecticut, we originally hoped we would finish today. That may be fading on us, but hope springs eternal, and I suppose the possibility of having the recess begin tomorrow is not completely over but looking unlikely.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that the Lieberman amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. What is the pending business before the Senate?

The PRESIDING OFFICER. The McConnell second-degree amendment.

Mr. DODD. Let me describe what I think may occur. One is to accept the McConnell amendment to the Kyl amendment, first of all. That would be routine. Then I would like to engage my friend from Arizona in a colloquy about his amendment and what it does—there was some confusion about what the effect of the amendment would be in the earlier debate—and to raise some issues which he and I have already discussed in private around this amendment. He is very sensitive to these questions.

My intention is to accept this amendment with the McConnell second-degree amendment and then have a colloquy as to what the effect of this amendment would be, with the further understanding that between now and the completion of this bill, we may not be able to get all the answers we would like from the Social Security Administration of their views on this and what the effect of it could be. We will try and do that before we get to conference. If there are problems we can't identify at this moment that may emerge, we will try to address those in conference. That is really the gist of what I want to get to.

Let me turn to my colleague to once again briefly describe his amendment. We will have a colloquy, and then we can move to accept that, my hope is, and then have the two recorded votes on the Lieberman and Burns amendments.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2891

Mr. KYL. Mr. President, I certainly appreciate the comments of the Senator from Connecticut. I will describe again what we intend this to do. The language does do it, especially with the second-degree amendment that has been accepted that the Senator from Kentucky offered.

This amendment allows what 11 States currently are allowed to do and 7 actually do do, which is to use Social Security numbers to validate people for voter registration purposes. When the Privacy Act was adopted, those States were grandfathered. The other States were prohibited from doing this. There are several States that request

Social Security numbers but don't require them. This would simply allow but not mandate States to request or to require Social Security numbers as one of the methods of identification.

To the two specific points Senator DODD raised, it is our intention, I reiterate—it is clear in the amendment language—that this is voluntary, not mandatory. No State would have to do this. And, of course, any State that did do it would have to meet all constitutional requirements, could not violate any privacy requirements, and so forth.

Secondly, it is not our intention that this would be in any way an exclusive method of identification and that States should not, as a result, use Social Security numbers as the only way of validating the identity of the person being registered or the person whose name is being expunged from the rolls or for whatever purpose they would use it.

The Senator from Connecticut is correct in his understanding. I think the language is clear. We need to work with the Social Security Administration or others during the continued progress of this bill. It is certainly our intention to do that to ensure that this intention is carried out.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Arizona. I have said it already—he has repeated it—but just to clarify, there is nothing in this amendment that would mandate the use of the Social Security identification number by any State; is that correct?

Mr. KYL. The Senator from Connecticut is exactly correct.

Mr. DODD. Secondly, any State that would use only a Social Security number as a means of identification would also be prohibited under the law; is that not correct?

Mr. KYL. It would be our intention to ensure that is the case, with only one caveat. The seven States that currently do this legally, I am not sure exactly what their laws say, and it is not our intention here to deal with those one way or the other. Those are all grandfathered in. I suspect they at least require an address, if not something else. The State should require something else.

It is our intention, at least prospectively, with our amendment, that they should and would.

Mr. DODD. If we look at this, maybe if it is in conference or before the conclusion of the bill, with a technical amendment to accomplish whatever it may be, I ask my colleague if he would be willing to accept such language in order to clarify that.

Mr. KYL. For that explicit purpose, yes.

Mr. DODD. I thank my colleague for his answers to those questions.

I point out, the Social Security Administration doesn't like the Social Security card being used for identification purposes. I know people do it, but it makes them nervous. Obviously, there are a lot of problems with it. I gather my colleague from Arizona, before coming over to the floor, was engaged in a hearing dealing with the issue of stolen Social Security numbers, the problem of 9–11 where people actually voted in the last election who, I am told, at least in some cases may have been terrorists themselves who were using Social Security identification numbers.

There are real problems with this. We have tried to solicit from the Social Security Administration why they have, beyond what I have expressed, reservations about the use of the Social Security identification. I can understand from the secretary of state's standpoint why this identifier is attractive. It is there. It is one that is easily used. It is national in scope. But there are concerns about it.

I say to my friend from Arizona, as we solicit from the Social Security Administration what these additional concerns may be, that we will certainly take that into consideration in conference as we craft a final version of this bill. And if there are some reasons with which I am not familiar, I would say we would certainly be amenable to listening to those concerns to modify this amendment so as to accommodate, to the extent possible, if it is reasonable, the Social Security Administration's concerns.

Mr. KYL. Mr. President, obviously, we will listen to those concerns. I need to go back and mention one thing I mentioned when I introduced it earlier. There is a long list of things for which the law permits us to use Social Security numbers precisely because the Federal Government does need to verify identity. If you apply for food stamps, if you apply for Medicaid, if you apply for a green card, a passport, a lot of things that the Federal Government and in some cases State governments do, we really need to be sure that the person who is applying for the benefit or applying for the activity involved is in fact who he says he is.

We don't have a national ID card, and the card that has more closely approximated a government identifier than anything else of uniform use is the Social Security card. That is why the Federal Government does in fact require it. Obviously, our right to vote is one of our most sacred. We don't want that diluted by people who should not be voting. We want to ensure that people who are voting are in fact who they say they are. This is one of the better ways of doing it, through the Social Security card.

It can be stolen. There are fraudulent Social Security cards in circulation, to be sure. It is not a perfect identifier. The Social Security Administration is concerned that the more uses there are to which the Social Security card is put, the more incentive there is to steal cards or make invalid cards. Until we have a different kind of identifier, perhaps one that involves biometric data or some other way to ensure that the person appearing before the Federal agency requesting the benefit is in fact the person he says he is or she says she is, the Social Security card is about the best thing we have.

If nothing else, this points up the fact that the Government, for all kinds of purposes, needs to know who people really are. We need to consider what kind of identifier would work best.

The argument is not that we should not have it, it is what will be the best one. For our purposes today, about the best we can do is the Social Security card. Some States already use it. We want to make that opportunity available to the other States.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Connecticut for agreeing to accept the amendment and say to the Senator from Arizona, when the secretaries of state were asked what is the single most effective thing they could be given to combat fraud and to pare down lists and remove from those lists people who are not supposed to be there, they said the Social Security number. So while the Social Security Administration may have some reservations, the secretaries of state have no reservations.

They think it would be an extraordinary step in the right direction. I commend the Senator from Arizona for offering the amendment. I thank the Senator from Connecticut for accepting it.

Mr. DODD. Mr. President, we have the McConnell second-degree amendment, which we are going to accept, and then we are accepting the Kyl amendment, as amended, by the McConnell amendment. How do you want to proceed?

The PRESIDING OFFICER. Is there further debate on the second-degree amendment of Senator MCCONNELL?

The question is on agreeing to the amendment.

The amendment (No. 2892) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on the——

Mr. DASCHLE. Mr. President, before we go to the pending amendment, I have some comments.

These will be the last two votes of the evening. I wanted to give ample opportunity for our colleagues to spend some time with their spouses tonight and wish them a happy Valentines Day.

We will be in session tomorrow, of course. There will be no votes on Monday when we come back. I am not sure what day that is. But on Monday we will not have votes.

CAMPAIGN FINANCE REFORM

UNANIMOUS CONSENT REQUEST

Mr. DASCHLE. Mr. President, after consultation with the Republican colleagues, there is a unanimous consent request I wish to propound prior to this vote, if I may.

Last night, late, the House passed the campaign finance reform bill. We are very appreciative of the tremendous work done by so many of our colleagues on the House side and are very pleased now that we are at a point where, hopefully, we can take this bill to the Senate floor and then send it off to the President. My hope is that we can do it with a minimum amount of additional debate, given the fact that the bill is virtually the same one we passed in the Senate.

I ask unanimous consent that the majority leader, after consultation with the Republican leader, may, at any time after the Senate has received the bill from the House, turn to the consideration of H.R. 2356, the campaign finance reform bill; that there be 4 hours of debate equally divided between the two leaders or their designees; that no amendments or motions be in order to the bill; that upon the use or yielding back of the time, the bill be read the third time and the Senate vote on final passage of the bill, the preceding occurring without any intervening action or debate.

Mr. MCCONNELL. Mr. President, reserving the right to object—and I will object—I just wanted to say to the majority leader, and particularly to Senators McCain and Feingold, I congratulate them for their success to date on this issue. There was certainly an overwhelming victory in the House yesterday. But, as we all know, this legislation kept being rewritten during the night. It finally passed at 3 a.m.

We have people on my side of this issue who did not prevail in the House yesterday, and they would like to have an adequate time to read the legislation. Fortunately, we are not in session next week, which gives everybody on both sides an opportunity to look at the fine print, because at this stage, I say to my friend from Arizona, we are shooting with real bullets. This could well become law. I don't think any harm is done by simply leaving the majority leader in the same position he would be in a week from Tuesday, to propound a similar unanimous consent request.

For the moment, pending a thorough scrutiny of the legislation that passed at 3 o'clock this morning, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, I hope everybody will take the time to look at the legislation with whatever care they wish to use in addressing the concerns raised by the Senator from Kentucky. It is my intention to bring this to the floor as quickly as possible when we return. I will accommodate requests for additional time if the 4 hours isn't adequate. We can move to a longer period of time. But I do hope, given the fact that we had good and very healthy debate almost a year ago, given the fact now that the House has adopted virtually the bill that we passed in the Senate, we can have a debate without indefinite delay. So I hope we can reach some unanimous consent request when we return. I will propound another one as soon as we return. But I appreciate the involvement of our colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the Senator from Kentucky and comment again that he has fought a good fight. The opponents of this bill have fought tenaciously, honorably, and I believe they certainly have a right to examine legislation that was passed as late as 3 o'clock in the morning.

I want to point out also that, of the 140 bills that have become law during the 107th Congress, only 19 necessitated conference committees between the 2 Houses of Congress. Eighty-six percent of the bills that became law during the 107th Congress did not require a conference committee between the Houses.

Some of these bills, obviously, are not of great importance. Some are of great importance, such as the Victims of Terrorism Tax Relief Act and the Railroad Retirement and Survivors Act. There are many very important pieces of legislation that did not require a conference. I believe that, upon examination, my colleagues will see that the bill is basically the same as the one that was passed by the Senate, with the exception of the Torricelli amendment, which had to do with the lowest unit rate requirement for the purchase of television ads.

Frankly, in the interest of straight talk, I have never seen any way you can emerge victorious over the broadcasters. The broadcasters have $70 billion worth of spectrum. They win no matter what. If anybody thinks we can beat the broadcasters, I would like to interest you in some desert land in Arizona.

Aside from that amendment, the bill is really in its original form as passed by the Senate. Again, I want to say not only to my colleagues in the Senate but to those in the other body, this has been a very emotional, spirited debate. A great deal is at stake. As the Senator from Kentucky said, we are shooting with real bullets here. The President's spokesperson said the President would sign this bill if it was passed by both Houses. It has been passed by both Houses, and I look forward to the opportunity of seeing it pass. We did have several weeks of debate and amendments on the floor of the Senate. So I am not sure it would show any particular improvement by further debate and votes because we have been over this ground pretty thoroughly.

Again, I thank the majority leader for his attention and priority of this issue. I will point out, I think the Senator from Kentucky knows the effective date is November 6, rather than the date of enactment as passed through the Senate. There are a number of reasons for that, but primarily we are so late in the campaign season, it would be very difficult to sort out moneys that are spent and obligated. There would be a lot of court challenges and questions as to the whole financing structure of the campaign of 2002. So I thank the majority leader.

I yield to my colleague from Kentucky.

Mr. MCCONNELL. I say to my friend from Arizona, I don't know whether we will end up not having these annual dances we have had over the last decade or so. But if in fact that is the way it is, I have enjoyed the debates we have had over the years. If it ends up that we don't have these anymore, I will sort of miss them in a perverse sort of way.

I want to say that, with regard to the hard money issue, which the Senator from Arizona knows I care deeply about—and he has been supportive of that as well—I think great progress has been made on that subject in the bill of which the Senator from Arizona was a principal sponsor, which left the Senate and passed the House. Both candidates and parties have been operating under hard dollar limits set at a time when a Mustang cost $2,700. We did a study of the cost to candidates over a 6-year term, and for the typical candidate in America over a 6-year term, the cost of running the same campaign he ran 6 years before is up 40 percent. So certainly that is a good feature in the bill.

Again, I commend the Senator from Arizona for his steadfast interest in this issue, and he has been a great competitor.

I admire him greatly. We will be prepared to deal with this issue after the recess.

Mr. MCCAIN. I thank my friend from Kentucky for his kind words. I do want to say, I may not miss it at all.

(Laughter.)

My friend from Wisconsin is here. We shared the very wonderful moment last night with our colleagues in the House and Congressman MEEHAN and Congressman SHAYS. It was quite a remarkable time. I am glad to have been able to be a part of this process.

I say again, the opposition has been principled, honorable, and ferocious. That is in the tradition of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I spoke this morning of the great victory of campaign finance reform in the House last night and the importance of taking up a bill quickly in the Senate so we can send it to the President. I expressed concern that games might be played by the House leadership in transmitting the bill to the Senate so we can consider it. I was pleased by the announcement this afternoon by

Speaker HASTERT that the bill should come over to us in a matter of days. That is good news, and I am pleased to hear it.

I, too, thank the Senator from Kentucky. He was very gracious in his remarks today. Whether or not we miss this process in the future is one issue. Certainly that has been the nature of the experience over these many years, and I sincerely thank him for that.

The possibility of delay still exists in this body. I sincerely thank the majority leader for his tremendous commitment today to bring up the bill in the Senate as soon as it comes over and to lead us in fighting through whatever procedural hoops might be placed in our path to try to stop the Senate from acting on the bill.

We had a long, fair, and good debate last year on this legislation. Any effort to prevent the Senate from acting on the bill I think will simply delay the inevitable; it would frustrate the will of the Senate and the will of the American people.

Yesterday's strong bipartisan vote in the House after marathon debate demonstrates once again the time has come to pass the bill. As much as some tried to deny or rationalize it, the soft money system taints all of us in this body, and it truly undermines our credibility with the American people.

There does come a time when we have to say enough. That time is now. As soon as the bill comes to us from the House, let's take it up; let everyone say a final word about their positions, and then send it to the President to be signed into law.

Again, I thank the majority leader. I thank my good friend, Senator MCCAIN. I yield the floor.

The PRESIDING OFFICER (Mr. REED). The majority leader.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Wisconsin and the distinguished Senator from Arizona for their incredible leadership. History will be written, and when it is, these two outstanding Senators will be acknowledged for the tremendous contribution they have made to the improvement of our political system.

Once again, and not for the last time, I acknowledge their leadership and appreciate very much the effort they have made to get us to this point.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DASCHLE. Mr. President, I want to make sure that I clarify something. Just because we are not having additional votes does not mean Senators could not come over and offer additional amendments. Senator DODD has indicated a desire to stay here for as long as there are those who have amendments. We may be able to obtain a finite list. I hope we can continue to chip away at those amendments tonight and tomorrow.

I want to accommodate Senators who have dates with spouses and significant others, but there may be those who have neither and would be more than willing to come over and talk about election reform. If that is the case, we are ready. I know Senator McConnell is every bit as interested in moving this legislation along.

I applaud our managers and thank them for their willingness to stay here and continue this effort. Please, if Senators have amendments, come to the floor. We will do these two votes and we are interested in doing more, even though we will not have additional rollcall votes tonight.

I yield the floor.

VOTE ON AMENDMENT NO. 2891, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2891, as amended.

The amendment (No. 2891), as amended, was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2890

Mr. DODD. Mr. President, is the pending business now the Lieberman amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

(The remarks of Mr. BINGAMAN are printed in today's RECORD under ''Morning Business.'')

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to propound a unanimous consent request which has been cleared on both sides. I ask unanimous consent that at 5:16 p.m. today the Senate resume consideration of the Lieberman amendment, No. 2890; that there be 2 minutes of explanation and the Senate then vote in relation to the amendment; that following the vote, regardless of the outcome, the Senate resume consideration of the Burns amendment and there be 2 minutes of explanation prior to a vote in relation to the amendment; that no second-degree amendments be in order to either of the two amendments prior to the vote, with all time equally divided and controlled in the usual form; and that if an amendment is not disposed of, it recur in the order in which it was voted, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2890, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I ask unanimous consent I be allowed to modify the amendment. Apparently one of the pages of the amendment was inadvertently left off.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment, as modified, is as follows:

(Purpose: To authorize administrative leave for Federal employees to perform poll worker service in Federal elections)

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Employee Voter Assistance Act of 2002''.

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

''§ 6329. Leave for poll worker service

''(a) In this section, the term—

''(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

''(2) 'political appointee' means any individual who—

''(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

''(B) is employed in a position on the executive schedule under sections 5312 through 5316;

''(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

''(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

''(3) 'poll worker service'—

''(A) means—

''(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

''(ii) training before or on that date to perform service described under clause (i); and

''(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

''(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

''(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

''(2) Leave under this section—

''(A) shall be in addition to any other leave to which an employee is otherwise entitled;

''(B) may not exceed 3 days in any calendar year; and

''(C) may be used only in the calendar year in which that leave is granted.

''(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

''(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

''6329. Leave for poll worker service.''.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

Mr. LIEBERMAN. Mr. President, very briefly, this amendment responds to a problem that exists with implementing the election laws of our country which will be greatly strengthened if we pass the bill that is before the Senate now. That problem is the shortage of nonpartisan poll workers, documented by the GAO and the commission headed by Presidents Carter and Ford. This amendment builds on a successful program started, at least one I know of, in Los Angeles County and in the State of California to allow civil servants—not political appointees but civil servants—to take election day off at the request of local election officials, to work as nonpartisan poll workers while continuing to be paid for their Federal employment, receiving no compensation from the election officials of local jurisdiction.

I have the feeling I have sufficiently described what I believe is a very meritorious amendment. I urge its adoption.

Mr. MCCONNELL. With all due respect to my friend from Connecticut, he is not talking about election officers; every State has an equal number of Democrats and Republicans who put on the election and keep it honest. What my friend from Connecticut is talking about is poll workers; in other words, workers who will go work for one candidate or another. We know Federal employees are overwhelmingly Democratic, Federal employee unions are overwhelmingly on the Democratic side.

In effect, what the Senator from Connecticut is suggesting is that Federal union employees be given a paid holiday by the taxpayers of the United States to go out and work for Democratic officials on election day. I strongly urge this amendment be defeated.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Connecticut, Mr. LIEBERMAN, No. 2890.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—46

Akaka	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Miller
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Breaux	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Inouye	Rockefeller
Carnahan	Jeffords	Sarbanes
Carper	Johnson	Schumer
Cleland	Kennedy	Stabenow
Clinton	Kerry	Torricelli
Corzine	Landrieu	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	
Dodd	Lieberman	

NAYS—49

Allard	Crapo	Helms
Allen	DeWine	Hutchinson
Bond	Dorgan	Hutchison
Brownback	Ensign	Inhofe
Bunning	Enzi	Kohl
Burns	Fitzgerald	Kyl
Chafee	Frist	Lott
Cochran	Gramm	Lugar
Collins	Grassley	McCain
Conrad	Gregg	McConnell
Craig	Hagel	Murkowski
Nelson (NE)	Smith (NH)	Thompson
Nickles	Smith (OR)	Thurmond
Roberts	Snowe	Voinovich
Santorum	Specter	Warner
Sessions	Stevens	
Shelby	Thomas	

NOT VOTING—5

Baucus	Campbell	Hatch
Bennett	Domenici	

The amendment (No. 2990), as modified, was rejected.

Mr. CRAIG. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2887

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Burns amendment.

The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I understand there is a minute on each side on the Burns amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my good friend.

Mr. President, this amendment is pretty simple. It allows the director of elections in each county or the secretary of state to purge the list every 4 years, or every other Federal election.

Right now, they cannot purge it but every other Presidential election. So you are carrying dead weight for 8 years. It costs Missoula County $16,000 just to maintain these big lists. It also makes a lot of people ineligible to vote even though they are on the list.

This is strongly supported by the secretaries of state of your States. I ask for your support. This makes more sense. This is where the mischief is in elections.

I yield the floor.

Mr. DODD. Mr. President, I yield 1 minute to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise in opposition to this amendment. Right now, the voter lists have to be purged every 8 years. The Burns amendment would conflict with the motor-voter law; furthermore, many people would be needlessly purged. People who did not vote in two elections would be purged from the list and would have to reregister

In a bill where we are trying to make it easier for people to vote, this takes

two steps backwards and makes it harder.

We have taken care of this in the bill. The lists are purged at some point, but it should be a longer period of time. Simply because you miss two elections should not take you off the rolls.

I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, very simply stated, you have the right to vote, but you also have the right not to vote in two elections and not be purged. If the Burns amendment were adopted, and you missed two elections because you didn't want to vote, you would be off the list. That is too extreme.

I urge rejection of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2887. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL), and the Senator from New Mexico (Mr. DOMENICI), are necessarily absent.

The PRESIDING OFFICER. (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—40

Allard	Grassley	Santorum
Allen	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Craig	Inhofe	Specter
Crapo	Kyl	Stevens
DeWine	Lott	Thomas
Ensign	Lugar	Thompson
Enzi	McConnell	Thurmond
Fitzgerald	Murkowski	Warner
Frist	Nickles	
Gramm	Roberts	

NAYS—55

Akaka	Dodd	Lincoln
Bayh	Dorgan	McCain
Biden	Durbin	Mikulski
Bingaman	Edwards	Miller
Bond	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Cleland	Kennedy	Stabenow
Clinton	Kerry	Torricelli
Collins	Kohl	Voinovich
Conrad	Landrieu	Wellstone
Corzine	Leahy	Wyden
Daschle	Levin	
Dayton	Lieberman	

NOT VOTING—5

Baucus	Campbell	Hatch
Bennett	Domenici	

The amendment (No. 2887) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2906

Mrs. CLINTON. Mr. President, I call up the amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment No. 2906.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a residual ballot performance benchmark)

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

Mrs. CLINTON. Mr. President, I rise to do two things. The first is to thank my colleagues, Senators DODD and MCCONNELL. I thank my colleagues for the extraordinary work they have done in crafting an election reform bill that will significantly improve our Federal election system.

I am very pleased that in this legislation we call for national standards for voting systems. I appreciate greatly the call for national standards for voting systems, provisional voting, and statewide voter registration lists in all voting systems used in Federal elections. I believe these national standards are critically important because the rights of citizens in one State to exercise their constitutional right to vote should not be any greater or lesser than the rights of a citizen in any other State.

In considering and passing this bill, we are also making a statement of our values and, in a direct way, repudiating those who attacked our country on September 11 because of our commitment to a free and democratic system that we would like to see replicated in every nation of the world. But the only way we can demonstrate to the rest of the world that we put our values into practice is if each and every American has faith that our election system is the best and fairest.

I rise to offer an amendment that will provide a greater assurance that the rights of voters to vote and have their votes counted in Federal elections will not vary widely from State to State.

As we know, the bill we are considering requires by 2006 that all voting systems used in Federal elections have an error rate that does not exceed the standards established by the Director of the Office of Election Administration. That refers to the rate that voting machines make mistakes in reading ballots.

This standard is important because it means that by 2006 all voting systems used in Federal elections will have to use technology and equipment that does not result in more than a minimum percentage of votes being discarded.

Yet as important as this standard is, it deals with only one of the two pieces of the problem of discarded ballots because this standard concerns votes uncounted due to mechanical errors of the voting system, but it does not address at all the major problem of residual votes which are overvotes, undervotes, or spoiled votes that are discarded due to unintentional human error.

Residual votes, not mechanical errors, are by far the most common reason why ballots are discarded and not counted and why, therefore, voters who thought they were doing the right thing ended up being disenfranchised.

Over the past four Presidential elections, the total rate of residual vote errors has been slightly more than 2 percent. This translates into more than 2 million voters in these elections not having their votes counted. The percentage of residual votes is even higher in Senate elections.

With respect to last year's Presidential election, the Caltech-MIT voting technology project reports that voting ballot problems led to an estimated 2 million votes never being counted because ballots were ambiguous, spoiled, or unmarked. Though 500,000 of these ballots represented abstentions, the remaining 1.5 million ballots represented votes where the voters actually believed they had recorded a vote for President even though their votes were ultimately discarded.

In addition to the Caltech-MIT study, the U.S. Commission on Civil Rights found that in some precincts as many as 20 percent or more of the ballots were discarded.

Other researchers and media analysts found the same results, and many of these discarded votes were actually what we call residual votes.

For these reasons, the Election Reform Commission, chaired by our distinguished former Presidents, President Carter and President Ford, the so-called Carter-Ford Commission, recommended unanimously that we focus not just on machine errors in improving our election system, but on these unintentional human errors as well.

The Commission members from both parties from all regions of the country did so because they knew that focusing only on mechanical errors was not good enough; that only by measuring residual votes will we be able to assess effectively whether the voting process as a whole is giving citizens an equal opportunity to have their votes counted.

The bottom line is that there is no dispute that residual votes are a major problem. The question is, What are we going to do about it?

The amendment I have offered provides a fair, reasonable, and effective answer. This amendment calls upon the Office of Election Administration to establish a national performance benchmark for residual votes, measured as the percentage of residual errors at the top of the ballot, excluding an estimate based upon the best available research of intentional undervotes.

Like the other benchmarks in the bill, voting systems used in Federal elections would have to meet it. This amendment mirrors the language already in the bill that calls upon the Office of Election Administration to set a benchmark with respect to mechanical error rates. The amendment, however, puts in the final piece of the puzzle for requiring this benchmark for residual votes as well.

For any who might be concerned that the benchmark is measured by subtracting an estimated number of intentional undervotes, that is not the case.

In considering this particular issue, the Carter-Ford Commission noted there has been considerable progress in determining how often intentional undervotes occur. We can take this data from the National Election Studies, from the Voter News Service, and we can then use it for the determination as to how we consider this remaining problem.

The Caltech/MIT study, for example, said exit polls suggested approximately 30 percent of residual votes, less than 1 percent of all votes, are intentional. Individually and collectively, therefore, we can estimate these intentional undervotes and knock them out and only focus on the unintentional where someone thought they were actually marking the ballot.

I hope when we establish these national standards, we recognize this is an important issue. Yes, we need to take care of those mechanical errors but we also have to take care of the unintentional human errors. We have learned in election after election, not just in 2000 but in many of our elections, that hundreds of thousands of our fellow Americans have gone to the polls believing they were exercising the most fundamental of their constitutional rights. They cast their ballots and they never knew their ballots were not counted and their voices were never heard.

I hope the Senate will consider this problem and will favorably act upon my amendment so we can, at the end of this process, say clearly and unequivocally to all Americans we have put into place the best possible system we can to ensure every vote truly counts and that our election system matches our values.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2908 TO 2910, EN BLOC

Mr. MCCONNELL. Mr. President, I have three amendments that have been cleared on both sides: one by Senator CHAFEE, one by Senator JUDD GREGG, one by Senator JOHN MCCAIN. I send the three amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments Nos. 2908 to 2910, en bloc.

Mr. MCCONNELL. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2908

(Purpose: To clarify that States and localities with multi-year contracts are eligible to apply for grants under the Act)

At the end of section 206(b), added the following: ''A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract.''

AMENDMENT NO. 2909

(Purpose: To ensure that States that are exempt from the National Voter Registration Act of 1993 continue to remain exempt from such Act)

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 13 through 15, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 6 and 7, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

On page 14, between lines 2 and 3, insert the following:

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.

AMENDMENT NO. 2910

On page 10, line 22, strike ''Commission'' and insert ''Commission, in consultation with the Architectural and Transportation Barriers Compliance Board,''.

On page 64, line 19, strike ''316(a)(2)).'' and insert ''316(a)(2)), except that—

''(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

''(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board.''.

Mr. DODD. I note the Chafee amendment is offered on behalf of Senator CHAFEE and Senator REED of Rhode Island. The amendment from Senator MCCAIN is offered on behalf of Senator MCCAIN and Senator HARKIN.

We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2908 to 2910) were agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask consent I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPRECIATION OF FARM BILL STAFF

Mr. REID. Mr. President, yesterday we completed action on the farm bill. The bill is a victory for the American farmers and ranchers who will benefit from the improved commodity programs in the bill. It is a victory for families in need who will benefit from broad nutrition programs in the bill. It is a victory for rural communities

which will benefit in the economic revitalization provided in the bill. Finally, it is a victory for the environment which will benefit from the significant increase of funding new programs to help restore wildlife habitat, reduce water pollution, and resolve conflicts over water.

Together with Senator LEAHY, I spent a lot of time working on the conservation provisions of the bill. It was only part of this massive bill which was led by Senator HARKIN of Iowa. The bill is over 1,000 pages. It has separate titles dealing with commodity programs, conservation, trade, nutrition, credit, rural development, research, forestry, and energy. Countless amendments were drafted to the bill, and many were offered. Work on the bill began in earnest more than a year ago.

When we complete a bill of this size, we often thank our staff for the work they put into such an effort, and rightfully so. Chairman HARKIN, ranking member Senator LUGAR, Senator DASCHLE, and Senator LEAHY's staff, in particular, put in a tremendous amount of work on this bill.

Sometimes, though, we forget to thank people who are essential to the success of this legislation. That is the Senate legislative counsel. They do tremendous work. The bill we passed is a product of numerous drafts, revisions, alternates, and many amendments. Our legislative counsel were responsible for ensuring that all those many drafts and amendments captured our interest. They had to do so under constant time pressure. They were a great help to me and my staff on the conservation provisions and on the water provisions in particular.

It may surprise some to know that only 5 attorneys were responsible for all the work that went into the 1,000-page bill. I personally would like to thank them, not only on my behalf but on behalf of the majority leader, Senator DASCHLE, Senator LEAHY, and Chairman HARKIN, for the great work on the bill. Gary Endicott and Darcie Chan were extremely helpful to me and my staff in drafting the important new provisions of this bill, provisions that have never been in a farm bill before. Together with Tom Trushel, Janine Johnson, and Heather Flory, they put in countless hours on the bill and have worked nearly around the clock since September as the pace of deliberations quickened.

Many also handled drafting for energy, environment, and Indian affairs at the same time. They were assisted by David Grahn and Pia Ruttenberg, attorneys for the U.S. Department of Agriculture Office of General Counsel. Mr. Grahn and Ms. Ruttenberg helped ensure the provisions we drafted would be interpreted and implemented by the Department as we intended.

I have lawyers on my staff, and I am an attorney also. But I can say, without the help of the people I have just mentioned, we would have been in very difficult shape to accomplish what we did.

I particularly spread across the record of this Senate the tireless, countless hours that Lisa Moore spent on this legislation. We are so dependent as Senators on our staff. I have had the good fortune of being able to serve in the House of Representatives. In the House of Representatives, one's jurisdiction is much more limited. One is much more in tune with one's jurisdiction. We in the Senate have wide-ranging jurisdiction. We do not represent one party of our State, we represent our whole State, from the southern tip of the State of Nevada to the northern frontiers of the State of Nevada, one representing famous Las Vegas, the other representing places such as Gerlach and other small places that have totally different interests than Las Vegas. But I represent them all. I become a jack of all trades; some say a master of none.

That is the way the Senate is. We have to depend on our staff. I am so grateful for the work Lisa Moore put in on this case. Not only does our staff work a lot of time doing the things that have to be done, but they believe in these things in their heart. They convey their emotions to us. That is one reason I worked so hard on this and why I am so fortunate I was able to pass it. I would not want to disappoint Lisa, who worked so hard on this legislation.

We, too often, blame our staff for the things that go wrong. We take credit for the things that go right. Most of the time, it should be just the opposite. On this occasion, I make sure I express my appreciation to Lisa Moore and the many other people I mentioned who were so important in passing this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

AMENDMENT NO. 2898

Mr. DAYTON. Mr. President, I offer an amendment, No. 2898, to S. 565, the election reform legislation.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment No. 2898.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a pilot program for free postage for absentee ballots cast in elections for Federal office)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term ''pilot program'' means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

Mr. DAYTON. Mr. President, voting is an essential and indispensable right

of citizenship in a democracy. Throughout our Nation's history, a task of the Senate and the House has been to remove the barriers to this right to vote. We have made great progress beyond gender exclusion, poll taxes, literacy tests, and other historical barriers. Yet our society is ever changing, and this work is never complete. I applaud the authors of this legislation, Chairman DODD, Ranking Member MCCONNELL, and Senator BOND for their excellent leadership and their hard work to bring this important bipartisan legislation before us today. They have performed a great service to our Senate and to our Nation.

In our national election of the year 2000, only 51 percent of America's voting age population participated. Although this participation rate was a 2 percent improvement over the previous national election, it remains very troubling that only half the eligible citizens in our country took the time and made the effort to help choose their leaders.

I am always curious when people say their vote does not count. When possible, I like to ask, ''Your vote counts one, the same as everyone else's. How much do you think your vote should count?'' A democracy is a democracy because every person's vote counts the same as everyone else's. How much do you think your vote should count? They miss the essential point, that a democracy is a democracy precisely because every person's vote counts the same as everyone else's. When a society reaches a point where some people's votes start counting more than others, either officially or unofficially, a country is usually sliding toward rule by a political and economic elite. When only one person's vote counts, it is a dictatorship.

However, there are still real reasons why some people cannot vote. In Ely, MN, the City Clerk, Terry Lowell, recognized a problem which senior citizens and people with disabilities sometimes encounter. A mail-in ballot is frequently the only way a home-bound citizen can exercise the right to vote. Yet, something as simple as a postage stamp can stand in the way. While the cost of mailing a ballot may seem small, it can also become a matter of practicality—when a person has difficulty getting out of bed or going to the kitchen, just ''running out to get a stamp'' is not a simple task as for most of us.

There are also many senior citizens in Minnesota, and probably elsewhere, who literally watch every penny they must spend. With the costs of their prescription medicines ever rising beyond their control, they have not enough money left for food and utilities. Every additional expenditure, of any amount, is perceived as a burden.

Plus, the way they look at it and the way I look at it, it is a matter of principle. Voting should be free. Voting is free for able-bodied citizens. It should be free for everyone else, as well.

My amendment would create a one-time, pilot project in the 2004 national election, to be designed and implemented by the Postal Service with consultation with the Federal Election Commission. Postage-free absentee ballots would be provided in one State for that one election. This pilot project will measure the effect of postage-free absentee ballots on voting participation by elderly, disabled, and other citizens. We can then consider whether it would be worthwhile to expand their use in future elections.

This amendment's passage will also demonstrate that a citizen, anywhere, can have a good idea and through an elected representative, actually see that idea turned into law. For that, I salute Terry Lowell, in Ely, MN.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Connecticut.

Mr. DODD. Mr. President, I commend the Presiding Officer who has just offered his pilot project amendment.

First, I commend him on the creativity in suggesting a pilot program. I know his concern would be—the question is obvious—the cost of this and how well it will work. I think by running a pilot program we can answer a lot of those questions.

I think the point he made in his remarks deserves repeating. We try to make, as Senator BOND said so often—I have repeated it, Senator MCCONNELL said the same thing on many occasions—voting easy, as user friendly as we possibly can in this country. Every eligible person who has the right to vote can walk into that polling place, whether it be in rural or urban America or poor or suburban communities, walk into that polling place on election day and know he or she is being received, encouraged and offered the means by which they can cast their ballot to choose the President of the United States, down to a local commissioner or board person in their own hometown.

That wonderful right we have that is so unavailable to billions of people on the face of this Earth still is something we need to make as easy as possible, as user friendly as possible. Of course, there are millions of Americans who are homebound, who are overseas, who are in the military. To make this as free and accessible to them as possible is something all of us ought to embrace. Therefore, the idea of making absentee ballots, by which millions of Americans cast their votes, as free as possible, is something I think is deserving of support, particularly as a pilot program.

Had the Senator offered this to require it in perpetuity, across the country, I would have some reservations about what the implications of that could be. But I think the framing it in a pilot program idea for the 2004 election is an idea that is worthy of support.

I have submitted the amendment to my friend from Kentucky and his staff to take a look at it. They are going to be reviewing it. We don't have an answer yet. My hope is we can accept this and come to some agreement. I congratulate my friend from Minnesota for offering this idea to our colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. DODD. Mr. President, I am going to proceed to offer three individual amendments, and I will be asking to lay them aside. But this way they can be debated tomorrow or Monday when we come back on the 25th. They may be accepted or end up being part of a managers' amendment but disposed of somehow in order to have them before the Senate.

AMENDMENT NO. 2912

The first amendment is an amendment offered by Senator HARKIN, No. 2912. I offer that amendment on behalf of Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. HARKIN, proposes an amendment numbered 2912.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for protection and advocacy systems)

On page 28 of the amendment, after line 23, add the following:

(c) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C.

794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

On page 30, strike lines 23 through 25, and insert the following:

(b) PROTECTION AND ADVOCACY SYSTEMS.—In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

Mr. DODD. Mr. President, I ask unanimous consent that the Harkin amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2913

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of Senator HARKIN and Senator MCCAIN and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] for Mr. HARKIN, for himself and Mr. MCCAIN, proposes an amendment numbered 2913.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters)

At the end add the following:

SEC. ___. VOTERS WITH DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2914

Mr. DODD. Lastly, Mr. President, I offer an amendment on behalf of the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. SCHUMER, proposes an amendment numbered 2914.

The amendment is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. DODD. Mr. President, I ask unanimous consent that the Schumer amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I will not go into describing these amendments. We will leave that for the Members themselves when they find the time, probably either tomorrow or Monday on the 25th, to come and explain them.

In the meantime, again, I am going to suggest to Members that with the finite list of amendments we now have from both the minority and majority sides, we are going to make an effort to accommodate as many of these amendments as we can, to try to see if we can accept them or suggest maybe modifications that would make the amendments acceptable; or if that is not possible, then certainly provide the time on Monday, the 25th, or tomorrow, for these amendments to be debated, with Tuesday, the 26th, being the day on which amendments would be voted upon, those that had not been resolved or accepted or made part of a managers' amendment.

That is the idea. That is the goal, so to speak, we are trying to achieve with all of this.

So with that, Mr. President, I do not know if I have any additional amendments at this point to submit. That being the case, I note the presence of my friend and colleague from Nevada. I see he has some big, white cardboard pieces in his hands, which usually indicate a chart and a speech. So I think we are going to hear some words.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. First of all, I say to my friend from Connecticut, what a great job you have done on the bill today. We have made tremendous progress. We have a list of amendments. I will be happy to work with the Senator tomorrow, and the days after that, and, hopefully, we can pass this bill Tuesday. That would be a great mark for the American people.

SENATOR DODD'S BABY

Mr. REID. Mr. President, I also say to my friend, I had such a pleasant time about half an hour ago. I went back to Room 219 and saw Grace Dodd, his beautiful 6-month-old baby. As I said to Jackye, your lovely wife: She is a real person, little Grace. And I bet the Senator is very proud of her, as he should be.

Mr. DODD. Absolutely.

AMENDMENT NO. 2914, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the Schumer amendment No. 2914 at the desk be modified with the language at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current

utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. REID. Mr. President, I ask unanimous consent that the following list of amendments that I will send to the desk be the only first-degree amendments remaining in order to S. 565, the election reform bill; that these amendments be subject to second-degree amendments which are relevant to the amendment to which it is offered; that upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill; that upon passage, the title amendment which is at the desk be agreed to, and the motion to reconsider be laid upon the table, without any further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

FIRST-DEGREE AMENDMENTS TO S. 565, ELECTION REFORM

(Current as of 7:05 pm on Thursday, February 14, 2002)

Byrd: Relevant, Relevant to the list.
Cantwell: Relevant (3).
Cleland: Military and Disabled Voters (2), Amending short title.
Clinton: Residual ballot rules.
Daschle: Relevant, Relevant to the list.
Dayton: Free and Reduced Mail-In Ballots, Pilot Program (Amdt. 2897), Pilot Program (Amdt. 2898).
Dodd: Managers' Amendments, Criminal Penalties Clarification, Relevant (2), Relevant to the list.
Durbin: Photo ID Alternative, Relevant.
Feinstein: Retro Activity, Relevant (5).
Harkin: Sense of Congress re: Access to polling place, Protection & Advocacy Systems for the Disabled.
Hollings: Weekend elections, Using NIST.
Jeffords: Felon list, Minimum State funding, State plan, First-time voters, Minimum State Funding II.
Kennedy: Safe Harbor.
Kerry: Election Day Holiday (Amdt. 2860).
Kohl: Weekend voting.
Landreiu: SoS local impact (Amdt. 2869), Federal holiday (Amdt. 2868), Strike study on establishing Election Day as holiday (Amdt. 2867).
Levin: Provisional ballot, Grant funds.
Lieberman: Recount standards.
Reed: Relevant (2).
Reid: Relevant, Relevant to the list.
Rockefeller: Overseas voters.
Sarbanes: Help America vote college program.
Schumer: Lever Machines, Age Box, Voter Registration, First-Time Voters.
Torricelli: TV broadcasting.
Wyden: ID verification (Amdt 2870).
B. Smith: Military voting, Relevant.
Collins: Grant minimum.
Gramm: Military voting.
Sessions: Civic education, Mock election.
Lugar: Toll free hotline for fraud.
Enzi: Parking lot accessibility.
Grassley: Military voting, Voter registration, Overseas voters.
McCain: Polling accessibility for disabled (3).
Specter: Relevant (3).
Bond: Relevant (3).
Roberts: Provisional voting, Notify voters.
Burns: Relevant, Election technology.
Kyl: Relevant (2).
Hatch: Relevant (2).
Ensign: Grant funding, Auditing.
Chafee: State Grant Payments.
Nickles: Relevant (2), Relevant to the list (2).
Thomas: Voter registration procedures, Exempt states, Disabilities.
Stevens: Americans abroad.
McConnell: Relevant (2), Relevant to list (2).
Lott: Relevant (2), Relevant to list (2).

Mrs. CARNAHAN. Mr. President, discussions about the state of our democracy too often focus on what is wrong with our political system.

Experts bemoan low turnout; they say young people are turned off by politics; they say grassroots campaigns no longer can work in the age of 30-second television ads.

But Americans cherish their democracy. Political participation allows us to express our deepest held beliefs. When we fight for something we believe in we are true participants in our democracy. I know this is true because I saw it myself. Missourians during the last election, even in the face of grief, went to the polls to make their will known. The 2000 election, however, revealed a number of flaws in our electoral machinery.

Far too many Americans were being disenfranchised without their knowledge. Too many voters left the polling places in confusion; too often registration lists had not been properly maintained.

The promise of American democracy is that everyone has the right to vote without regard to their individual circumstance. It is our job to make that promise a reality.

The Constitution calls for a decentralized system that puts states in charge of elections. But since States hold elections for Federal offices, it is appropriate for the Federal Government to encourage and empower States to improve the voting process. I believe this bill does just that and I am pleased to support it.

I congratulate the sponsors and those who have put many hours of hard work to bringing this consensus bill to the floor.

This bill is framed around two basic premises: Those who are not properly registered to vote are not allowed to cast a ballot, but for those who are properly registered, we should make it as easy as possible for them to go to the polls, vote, and have their vote counted.

To those who say we need additional steps to eliminate voter fraud and punish those who abuse the system, you are correct. We must work harder to put systems in place that will adequately update voter rolls. Many States and local registrars are plagued by insufficient technology, and thus an inability to maintain databases that are current. There must also be adequate voter education so that our citizens understand what steps they must take to register properly. And we must make sure that poll workers receive the appropriate training so that we can reduce any potential issues at the polling places.

To those who say we must live up to the promise of our Constitution and do all within our power to bring more people into the process, I say your call must be heard.

This Nation's history is built on the fight for suffrage. To place even the lowest hurdle before someone seeking to exercise the right to vote is an affront to our democracy. This bill ensures that we go the extra mile to protect the rights of those populations most vulnerable to disenfranchisement: the elderly, the disabled, those who are not fluent in English, ethnic and racial minorities, and members of the armed services who are serving overseas.

Perhaps the most significant reform in this bill is that States will be required to implement a system of provisional voting. From now on, if someone's eligibility is challenged at the polling place, they will have the right to cast a vote. If it turns out that the voter was properly registered, his or her vote will be counted.

The bill will also prevent disenfranchisement by updating voting technology. In the future, voters will know if they unintentionally selected more than one candidate for a single office, or if their ballots are not otherwise properly marked, and they will have a chance to correct their ballots, and make sure their vote is counted. It is common sense that when a system is broken, we must mend it.

When this system concerns a fundamental and cherished right, it is not only common sense, it is vital to the health of our Nation.

Our efforts today to empower voters remind me of the words of President Franklin D. Roosevelt, who said:

Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.

Let us renew the promise of our great Nation and enact legislation that will promote fairness, enhance participation, and increase our faith in the greatest democracy in the history of the world.

NORTH DAKOTA VOTING PROCEDURES

Mr. CONRAD. As my colleague from Connecticut knows, North Dakota currently operates a unique voting system in that we have no registration system whatsoever for our State. This is a very open system that I believe is very much in line with the intent of your legislation to ensure the maximum amount of openness and accessibility in our Nation's voting system. Am I correct in reading the language of subparagraph 103(a)(1)(B) of the substitute amendment to allow North Dakota to continue operating a registration-less voting system for Federal elections in our State?

Mr. DODD. Yes, the clear text of this provision exempts states without a registration requirement for its voters from having to implement such a computerized system consistent with section 103. Put simply, the exception provided in 103(a)(1)(B) exempts North Dakota from all provisions of the bill concerning a computerized statewide voter registration system. We simply did not want any of this bill's provisions, either directly or indirectly, to interfere with North Dakota's ability to continue operating its commendably open and accessible registration-less system of voting.

Mr. CONRAD. Mr. President, I thank the Senator from Connecticut for his aid in understanding this exemption. I also have a question with regard to Section 102 of the bill—the provisional voting section. I would like to describe the way North Dakota currently operates its ''voter challenge process'' to get my esteemed colleague's perspective on whether our State currently satisfies the requirements of this section.

In North Dakota, the members of an election board or poll challengers may challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector. A poll challenger or election board member may request that a person offering to vote provide an appropriate form of identification to address any voting eligibility concerns, such as age, citizenship, or residency requirements. If the identification provided does not adequately resolve the voter eligibility concerns of the poll challenger or election board member, the challenged person can execute an affidavit before the election inspector affirming that the challenged person is a legally qualified elector of the precinct. The affidavit must include the name and address of the challenged voter and the address of the challenged voter at the time the challenged voter last voted.

If the election inspector finds the affidavit valid on its face, the challenged person is allowed to vote as any other voter does and his or her voted ballot is deposited in the ballot box with the rest of the voted ballots from the precinct and counted by a canvassing board, or in the case of a recount by the recount board, in exactly the same manner as a ballot cast by non-challenged voters. In other words, the challenged person's voted ballot is not segregated or designated in any special way for further or future inspection by election officials, canvassing officials, recount officials, or legal authorities.

I ask my distinguished colleague the Senator from Connecticut whether this current system satisfies the requirements of section 102 of his bill.

Mr. DODD. Mr. President, I again commend the State of North Dakota's open and accessible voting system. Our intent in drafting section 102 was to require that voters who were challenged, but felt that they had the legal right to vote, were given the opportunity to cast a ballot and then have that ballot set aside and verified. North Dakota's system goes beyond this intent by being even more voter-friendly. Based on my understanding of your description of North Dakota's system, North Dakota should be able to continue operating its more voter-friendly voter challenge system.

For example, paragraphs (a)(3) and (a)(4) of section 102 requires election officials to verify the written affirmation of that voter's eligibility before the ballot is counted. Under North Dakota State law, as you have represented it to me, verification happens upon the execution of a written affidavit. The fact that the verification by the election official that is required under this bill occurs prior to the ballot being cast instead of after the ballot is cast is a function of North Dakota's registration-less system. It therefore satisfies all of the requirements of section 102(a).

I should point out that under subsection 102(a)(5), the individual who voted via affidavit will need to be provided written notification at the time he casts his or her ballot that he or she will not receive any further notification—because as a matter of state law, that person's vote has been counted. This could easily be done by handing out a generic form to each voter who votes via affidavit.

Mr. CONRAD. Mr. President, I greatly appreciate the Senator from Connecticut taking the time to answer my questions about his bill. I also want to take this time to commend the Senator for his terrific leadership and work on the very important issue of election reform.

Mr. REID. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUCCA MOUNTAIN

Mr. REID. Mr. President, today the Secretary of Energy recommended to the President that Yucca Mountain, Nevada should be the site for storing all of America's nuclear waste, all 70,000 tons. This recommendation came despite the objections of all the credible independent experts who have reviewed the project. I will name just few of them. There are many others, but the credibility of those I will name cannot be refuted. These experts all say that the science is not sound.

The General Accounting Office is the watchdog of Congress and the watchdog for the American people. The GAO has been an important part of our Government for many decades and is noted for its independence and veracity. The General Accounting Office has stated that making a decision now regarding the Yucca Mountain project is neither ''prudent'' nor ''practical.'' That is pretty direct.

The Nuclear Waste Technical Review Board is an independent agency established to review what is going on with nuclear waste from a technical standpoint. It is chaired by the former dean of the Forestry School at Yale University, who is now the president of Carnegie-Mellon in Pennsylvania and is one of the foremost scientists in America. The Nuclear Waste Technical Review Board says that the scientific review that has been conducted at Yucca Mountain is ''weak.'' That is pretty direct.

The Inspector General of the Department of Energy stated that because the law firm giving advice to the Secretary of Energy on Yucca Mountain, Winston and Strawn, was the same law firm that was giving legal advice to the Nuclear Energy Institute, the umbrella for the nuclear utilities in this country, there was a clear conflict of interest. That too is pretty direct.

No one can challenge the credibility of this all-star team of independent experts: The Inspector General, the General Accounting Office, the Nuclear Waste Technical Review Board. No one can challenge their credibility.

Secretary Abraham has made a hasty, poor, and really indefensible decision. Now the question of whether a high-level nuclear waste dump will be built in Nevada lies with the President of the United States.

It is time for President Bush to fulfill the commitment he made to the people of Nevada and to the country; that is, that he would not allow nuclear waste to come to Yucca Mountain unless there was sound science justifying such a decision.

The General Accounting Office, the Nuclear Waste Technical Review Board, and the Inspector General have all said that science does not exist.

The President should demand sound science—peer-reviewed scientific evidence of the highest caliber—and wait

until he receives it before making a decision about Yucca Mountain. The President has the responsibility and the authority to fulfill the promise he made to this Nation as a candidate regarding nuclear waste.

I urge President Bush to exercise that authority and show the Nation he is a man of his word. We are depending on him.

Mr. President, this visual aid represents the proposed routes that trucks and trains would travel to Nevada carrying 70,000 tons of toxic material. One hundred thousand truckloads of nuclear waste will be hauled on these roads. And 20,000 trainloads of nuclear waste will be hauled along the railways we see here on this map.

The Department of Energy has refused to do an environmental impact statement assessing the effects of transporting all of this deadly material. Why? Because they cannot explain how it would be possible to safely haul 70,000 tons of nuclear waste over the highways and railways of this country.

Since September 11, we know that terrorists are waiting for targets of opportunity. We know now not only that they are waiting for targets of opportunity but also that they are capable of hitting their targets. The tragic events of September 11 demonstrated that in such a dramatic fashion. It would be reckless and dangerous to provide terrorists with more than a hundred thousand additional targets, which the trucks and trains carrying nuclear waste would become.

So, Mr. President, I say to you, and the rest of America, we are depending on the President of the United States, George W. Bush, to be a man of his word and not allow nuclear waste to travel across this country until there is sound science. There is not sound science, as separate reports prepared by the General Accounting Office, the Inspector General of the Department of Energy, and, of course, also by the Nuclear Waste Technical Review Board all make clear.

The President should wait until he has credible evidence and a sound scientific basis to support a plan for storing nuclear waste at Yucca Mountain and allowing it to travel across the country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 671, 672, 675, and 697; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, statements relating to the nominations be printed in the RECORD, and the Senate then return to legislative session.

Mr. President, this applies to David Bunning, to be United States District Judge; James Gritzner, to be United States District Judge; Richard Leon, to be United States District Judge; and Nancy Dorn, to be Deputy Director of the Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia.

EXECUTIVE OFFICE OF THE PRESIDENT

Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3090, that all after the enacting clause be stricken, that the text of the substitute amendment which is at the desk be substituted in lieu thereof, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2896) was agreed to as follows:

(Purpose: To provide for a program of temporary extended unemployment compensation)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the ''Secretary''). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

The bill, H.R. 3090, as amended, was read the third time and passed.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, for the knowledge of Senators, this is the same language for unemployment insurance extension that we had passed earlier. There is no change. I wanted to make that clear.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I concur with the distinguished Republican leader in making that assertion as well. This is exactly the same language that 7 days ago we sent to the House. My only reason for renewing the request today is because, unfortunately, I think we are going to be getting a much more comprehensive package back from the House, a package that clearly doesn't today enjoy the 60 votes that it would require to move not only unemployment compensation but all the other issues that are attached.

On a bipartisan basis, both Republicans and Democrats in the Senate are clear and on record in support, at the very least, of an extension of the unemployment benefits, and for good reason. Every day, about 11,000 people are pushed off the unemployment compensation rolls. About 77,000 of these workers have been made ineligible for unemployment compensation just since we passed this resolution 7 or 8 days ago. Our proposal is simply to give the House an opportunity to take up this simple extension with an expectation at some point later that we could entertain economic stimulus legislation as well.

I thank my colleagues for their cooperation. Again, this sends a clear message. We are very hopeful we can do something to help these unemployed workers prior to the President's Day recess.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT BUSH'S NEW APPROACH TO CLIMATE CHANGE

Mr. CRAIG. Mr. President, this afternoon President Bush outlined a new approach to climate change for this Nation, and I believe for the world.

The President has thoughtfully tackled the emotionally charged issue of climate change and focused us in a pragmatic way. I believe this is a demonstration of leadership.

He has thoroughly considered the existing scientific evidence, which remains inconclusive, and determined that a slow and cautious approach to stabilizing greenhouse gas emissions is the most prudent policy.

I and many of my colleagues in the Senate have worked hard for years on this challenging issue and wholeheartedly concur with the President's decision.

The President's determination to aggressively pursue answers to many critical scientific questions and his concern about the effects of action on American jobs and our economy are well balanced.

The proposed actions in the President's plan will be effective in giving us the change we need. The voluntary nature of these proposals provides needed flexibility to achieve substantial reductions in emissions.

The President has outlined a strategy that incorporates incentives and opportunity for creative ways to achieve those reductions.

The President's plan also thoughtfully addresses the critical need to actively engage developing countries.

I have stated in the past that American policy should recognize the legitimate needs of our bilateral trading partners to use their resources and meet the needs of their people.

For too long the climate policy debate has been fixated on assigning blame and inflicting pain. The President clearly recognizes that this is harmful and counterproductive.

His plan will make our best technology available to developing countries and will refocus American research activities on developing country needs as well as our own.

During this Congress and the last I, along with many of my colleagues, worked diligently to construct a framework for national consensus on this issue. The legislation that I and several of my colleagues introduced was organized around the central notion of ''risk management.''

The President's approach is fully consistent with that notion.

It develops a ''long-term'' strategy;

It quantifies risk by improving scientific research programs;

It develops tools to improve energy efficiency and find ways to sequester carbon by funding a comprehensive R&D program;

It removes disincentives by removing barriers to deployment of energy technology; and

It encourages a global solution by aggressively pursuing international technology transfer programs.

The benefits of the President's approach are broad-based, as they must always be.

It employs a least-cost path to emissions goals by using energy technology and incentives;

It yields real emissions reductions by improving the emission reduction registry currently monitored by the DOE;

It strengthens the hands of U.S. negotiators by implementing significant domestic action;

It is more than just CO2—it encourages reductions of emissions of methane and other more powerful greenhouse gases;

It focuses on more than just the electric power sector by including the agriculture, forestry, transportation industries;

It sends the right market signals by focusing on innovation, investment in new technology—not prescriptive regulation; and

It maintains policy flexibility—our future policy response can respond to changing knowledge on technology, understanding of climate impacts and risk.

President Bush, I believe, has offered us leadership, and I thank him for it, by setting for our Nation a safe, prudent, and responsible path toward resolving this issue.

I hope all of my colleagues in the Senate, especially those who have shown great concern about climate change, join with me and seize the opportunity that our President has given us to move constructively, without rancor, to offer up the best technology, the best science, and to bring our country together—not to divide our country—and to continue to progressively achieve, in a recognizable and measurable way, reduction in greenhouse gases as we have done over the last decade, and to do so without damaging our economy.

I believe that is what President Bush has laid before this Nation today, and the world: A pragmatic and realistic challenge of leadership as it relates to addressing the question of climate change in an understandable fashion and a manageable approach.

I yield the floor.

ENERGY POLICY

Mr. BINGAMAN. Mr. President, I call to the attention of my colleagues the fact that the President announced his plan related to global warming. The plan appears to endorse some of the energy efficiency and clean energy incentives that were reported out of the Senate Finance Committee last evening. Obviously, I think all of us welcome White House support for those initiatives.

I hope we can get the same level of support from the White House for the other critical elements in the energy bill that relate to this important issue of global warming.

Unfortunately, the rest of the plan that the administration unveiled today appears to be little more than business as usual. The President's statement earlier today referenced the voluntary reporting program for greenhouse gas emissions which was established by Congress in 1992 as part of the Energy Policy Act.

The intent of that program at that time was to encourage the energy sector to begin to pay attention to greenhouse gas emissions. It was not to drive serious reductions in emissions. It was a decade ago when that legislation was passed, and we know much more now about global warming and the threat that it could pose to us.

According to a year 2000 report by the Energy Information Administration entitled ''Emissions of Greenhouse Gases in the United States,'' U.S. energy intensity—that is the energy consumed per each dollar of gross domestic product, and that is sort of the measure the President referred to—fell by an average of 1.6 percent per year from 1990 to the year 2000.

At the same time that energy intensity was falling, the carbon intensity of energy use has remained fairly constant. It is the use of less energy per unit of economic output that has kept emissions from growing at the same rate as the economy is growing, and the rate of carbon emissions per unit of energy is not decreasing—or is decreasing very little, certainly not enough.

Our economy has become increasingly oriented toward the service sector, toward intellectual, high technology sectors. We are less focused on heavy industry and manufacturing, and we are using less energy per dollar of gross domestic product, which is to be expected as our economy has evolved.

Yet as the population has grown and affluence has increased, we are using more and more energy without reducing the emissions per unit of energy consumed.

Clearly, climate change is an energy issue. We need to address it as part of this energy policy debate that we are going to have when the Congress returns after next week.

The United States committed under the framework convention on climate change that was ratified in the Senate that we would take action to reduce emissions to 1990 levels by the year 2000. Under the plan announced today, the U.S. emissions will be 30 percent above 1990 levels by the year 2012. Continued reliance on these voluntary actions, which is what the President is urging, without an overall policy framework, without specific goals, will not lead to any serious reductions in domestic emissions of greenhouse gases.

I have to ask why we would sell our technological and entrepreneurial ingenuity so short. The American people believe climate change is a critical issue. They also believe we can innovate our way to solutions to these problems. With the administration approach to addressing climate change, I fear we are communicating to the

world we no longer have confidence in our technological ability to solve these problems.

The energy bill we are going to debate when we return from the recess includes concrete energy policy provisions that will reduce carbon intensity in the energy sector. It includes increased vehicle fuel economy and provides incentives to commercialized cutting-edge vehicle technologies. It gives consumers greater information about emissions from the energy they use so they can make deliberate decisions to control their own contributions to greenhouse gas emissions. It increases the mix of technologies for power generation, including a much greater role for renewables and more efficient fossil generation technology.

The renewable portfolio standard, for example—and that is a provision in the bill we will be debating—is a market-driven approach that will force renewable projects to compete against each other for a share in the electricity market. To shift to a greater investment and combine heat and power systems could more than double the efficiency of coal-fired generation while dramatically cutting emissions.

There are many creative and thoughtful people in the private sector eager to move forward with these types of projects. The right energy policies can unleash the competitive creativity that will meet our energy needs and reduce greenhouse gas emissions. We need to agree on a framework that removes impediments to efficiency and market competition, that provides incentives for cleaner energy strategies that will reduce emissions, and a framework that empowers consumers to control their energy choices and manage their own environmental impact.

When I talk to students in my State—and I am planning to do that on several occasions this next week—they express great interest in energy and environmental issues. They want to know what they can do to affect greenhouse gas emissions. They have a much greater stake in the future than those of us here do, in fact. We need to be sure that 10 years from now we have not left them with a problem that is out of control. We need to be responsible and prudent now and not wait until 2012 to make hard decisions on this very difficult issue.

I yield the floor.

Mr. JEFFORDS. Mr. President, in the last few days, I have spoken in honor of two prominent Winter Olympians from Vermont, Kelly Clark and Ross Powers. They are extraordinary snowboarders and athletes. They have performed miracles in the air and snow in Salt Lake City.

I want Vermonters and all Americans to enjoy the Winter Olympics here and elsewhere for the foreseeable future. They bring out the best and noblest elements in human nature.

Today, the President is announcing his administration's policy to deal with the global warming that threatens the reliability of winter and therefore the enjoyment of winter sports. Unfortunately, from what I understand, this policy will do nothing to significantly reduce the greenhouse gas emissions that are contributing to global warming.

Obviously, this is a very serious matter to Vermonters who love to snowboard, ski and skate, and depend on predictable winters and snow. It is also a serious matter to the mayor of Salt Lake City, whose city is taking actions to reduce greenhouse gas emissions and increase energy efficiency. Further, I would note that the mayor and the city of Burlington, like other progressive State and local leaders and communities across the Nation, are taking similar actions to fill the void of Federal leadership on this important issue.

I don't mean to be selfish, but I would like to be certain that Vermonters can continue to win Gold Medals in the Winter Olympics for generations to come. That means taking credible action on global warming now so winter is around long enough every year for training, competing, and busting huge air, as the snowboarders say at Suicide Six Ski Area in Woodstock, VT.

Clean air is a major issue in Vermont. We want to stop acid rain, and other public health and environmental damage. So, I am glad that the President has finally put forward his multi-pollutant proposal. We have been waiting for it since he took carbon dioxide off the table about a year ago. Perhaps the administration will actually work with Congress on this issue constructively.

I hope the administration sends the proposal up the Hill right away in legislative form as was promised. That will speed our committee's deliberations and Senate passage.

The details are not clear yet, but I hope that it will not entertain reducing any existing Clean Air Act protections. That is a crucial question that Vermonters will ask, from the skiers and snowboarders to the hikers.

Unfortunately, real carbon reductions appear to have completely fallen off the table in this climate policy. In fact, all we are getting are some crumbs. Some of them even appear to be recycled crumbs that Congress never passed and probably wouldn't have worked anyway.

A year ago, the President sent several Senators a unilateral ''Dear John'' letter rejecting carbon dioxide reductions at power plants and formally rejecting the Kyoto Protocol. Today's new climate policy is like delivering the final divorce papers to the public and the world. And it is divorced from the reality of global warming. Maybe you could call it a love letter to the status quo and the polluting past.

The Framework Convention, or the Rio Agreement, that the U.S. Senate ratified under former President Bush commits us to adopting policies that will achieve 1990 levels of greenhouse gas emissions. That is our commitment to the world.

This policy breaks that commitment. And it fails to acknowledge that we are responsible for emitting 25 percent of the world's greenhouse gases. Under this policy our share would continue to grow. There would be no real reduction in our total emissions.

I have faith that American ingenuity can develop cleaner, greener and more efficient technology to reduce greenhouse gas emissions. But, without a hard target to aim at, the arrow of progress is severely blunted. Our technology edge, instead of our exports, will pass to Europe, China, and other countries.

Finally, as I told Governor Whitman yesterday, the administration's multi-pollutant bill has to improve air quality faster and better than business as usual to be really credible. We will be asking for that kind of proof in the coming days.

We will need details on how fast their bill reduces acid rain impacts in the Northeast and how quickly it saves lives being lost or damaged from particulate pollution. Every day of delay hurts the environment and public health.

I hope their numbers can help move us forward and don't drag us backward.

But, I must say, without real carbon dioxide reductions, this proposal comes up short. You don't win a race with a three-legged horse, you don't drive a car with three wheels and you don't get lucky off a three-leaf clover.

I ask unanimous consent to print in the RECORD a Washington Post editorial by Mayor Anderson from February 8, 2002.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 8, 2002]

WINTERLESS OLYMPICS

(By Ross C. ''Rocky'' Anderson and Bill McKibben)

SALT LAKE CITY.—When the Winter Olympics opens tonight, both of us will be standing on the sidelines and cheering—one as mayor of the host city, the other as merely a rabid fan of Nordic skiing. But for all the hoopla and speed and elegance, we also are both aware that the future of the Winter Games is in danger, because winter itself is in danger.

The world's scientists have issued strong warnings about climate change in the past few years, and their computer models show clearly that, of all seasons, winter may change the most. Across the West, snow levels are expected to climb hundreds of feet up the mountains. In the East, according to a recent assessment by scientific researchers, the cross-country skiing and snowmobile industries ''may become nonexistent by 2100.''

The majority of sub-Arctic glacial systems are now in rapid retreat. Sea ice in the Arctic is thinning quickly, and winter measured by dates of first and last freeze, is now almost three weeks shorter across North American latitudes than it was in 1970.

Such changes have practical implications. The weakening of winter will, for instance, mean less water stored in mountain

snowpacks for summer irrigation. The ski industry is already fearful of the economic losses from shortened seasons.

As you watch the world's finest athletes glide across your TV screen for the next two weeks, consider, too, how sad it will be to lose much of that part of the year when you can glide across ice or race down a slope.

This doesn't have to happen. We've already locked in some global warming from our profligate use of fossil fuels in the past, but it's not too late to take serious action to slow climate change. Indeed, though Washington is still in the grip of the fossil fuel lobbyists, state and local governments are beginning to lead the way to clean energy now.

Here in Salt Lake City people are committed to cutting emissions of carbon dioxide 7 percent or more, meeting the targets of the Kyoto Protocol, to which all industrialized nations except the United States (under the Bush administration) have voiced commitment.

How will it be done? By reducing energy consumption, preserving large tracts of open space and creating new guidelines for ''high performance buildings.'' Salt Lake City is changing development patterns, expanding its mass transportation system—in short, it's growing smart.

Salt Lake City is not alone. The Seattle City Council last fall pledged that the city would meet or beat the targets of the Kyoto treaty on global warming, and promised that its municipal utility would soon be ''carbon-neutral,'' generating power without contributing to the greenhouse effect. Voters in San Francisco last fall passed, by a wide margin, an initiative that commits the city to buying large amounts of solar power. And the governors of the New England states, prodded by new computer models showing that Boston's climate could resemble present-day Atlanta's by century's end, have also committed to reductions in CO_2 output.

Elsewhere, local governments are experimenting with electric cars and windmills, with gas-guzzler taxes and prime parking spaces for high-mileage cars, with new rapid transit incentives and old utility phase-outs.

All of this would be easier and more effective with committed leadership and backing from the federal government. In the meantime, others have to take the lead.

Municipalities are good competitors. Every four years, mayors around the world vie with each other to land the next Olympics. If we spent the same effort and creativity on redesigning our cities for energy efficiency, we might do more than determine who wins the next Winter Games.

We might actually save winter.

THE BIODIESEL PROMOTION ACT OF 2002

Mrs. LINCOLN. Mr. President, yesterday I introduced S. 1942, the ''Biodiesel Promotion Act of 2002,'' to provide tax incentives for the production of biodiesel from agricultural oils. I was pleased to be joined by Senators DAYTON and JOHNSON as original cosponsors of my bill.

I was also pleased yesterday to be joined by Senator GRASSLEY in offering S. 1942 in amendment form to the Senate Finance Committee Energy Tax Incentives legislation. My amendment was included in the legislation with an overwhelmingly favorable vote of 16 to 5. The amendment differs from S. 1942 only in the length of authorization of the program. Due to budget constraints, the amendment authorizes the program for three years as opposed to the bill language of a ten-year authorization.

S. 1942 is a start, but we must make sure that these incentives are not just a flash in the pan. We must ensure that biodiesel becomes a central component of this nation's automobile fuel market.

S. 1942 will provide a partial exemption from the diesel excise tax for diesel blended with biodiesel. Specifically, the bill provides a 1-cent reduction for every percent of biodiesel blended with diesel up to 20 percent.

The bill also provides for reimbursing of the Highway Trust Fund from the USDA Commodity Credit Corporation, (CCC). I believe this procedure will protect the Trust Fund from lost revenues due to the biodiesel incentive while providing a much-needed boost to our nation's biodiesel industry. The cost to the CCC would be offset at least initially by the savings under the marketing loan program.

Biodiesel, which can be made from just about any agricultural oil including oils from soybeans, cottonseed, or rice, is completely renewable, contains no petroleum, and can be easily blended with petroleum diesel. A biodiesel-diesel blend typically contains up to 20 percent renewable content. It can be added directly into the gas tank of a compression-ignition, diesel engine vehicle with no major modifications. Biodiesel in its neat or pure form is completely biodegradable and non-toxic, contains no sulfur, and it is the first and only alternative fuel to meet EPA's Tier I and II health effects testing standards.

Biodiesel also has many environmental and operational benefits. One I would like to highlight is the fuel's lubricating characteristics. Even at very low blends, biodiesel contributes operational and maintenance benefits to diesel engines by continuously cleansing the engine as it runs. This is even more significant when using ultra-low sulfur diesel. With the EPA's new rule to reduce the sulfur content of highway diesel fuel by over 95 percent, biodiesel stands ready to help us reach this requirement.

Farmers in my State of Arkansas and across the country began investing in the development of biodiesel because of the economics of the farm industry. Producing biodiesel from farm commodity oils will provide a ready new market for our farm products. Currently, agricultural oils are widely produced for use in our food markets. However, large supplies of vegetable oils in the world market have resulted in depressed commodity prices in the domestic market.

More than a decade ago, soybean growers recognized that the traditional approach of riding out a depressed market by storing surplus soybean oil until better times would no longer work. The industry had to do more. It needed a proactive and aggressive plan to develop new markets and expand existing ones. Biodiesel is one of these new markets identified with true potential for displacing large quantities of soybean oil.

For cotton, the cottonseed is presently about 20 percent of the value of the crop. Biodiesel will open new value-added uses for the cottonseed oil at a time when new uses and markets are extremely important because of these hard economic times. And for our rice farmers, biodiesel will provide additional incremental increases in value to our rice crop and open up a new outlet for the co-product of rice bran oil.

A Department of Energy and Department of Agriculture study has shown that biodiesel yields 3.2 units of fuel product energy for every unit of fossil energy consumed in its life cycle. By contrast, petroleum diesel's life cycle yields only 0.83 units of fuel product energy per unit of fossil energy consumed. Such measures confirm the ''renewable'' nature of biodiesel.

Even after years of research and market development, biodiesel is not yet cost-competitive with petroleum diesel. In order to be so, market support and tax incentives are needed. I believe the provisions provided in this bill will help in leveling the field for biodiesel blends and help jumpstart this exciting new industry.

The time is right for this investment. It is right for our rural economy, for our environment, and for our national energy security.

SHE FLIES WITH HER OWN WINGS

Mr. SMITH of Oregon. Mr. President, today I commemorate the anniversary of Oregon's statehood, which was secured this day in 1859. Oregon became the 33rd State to join the Union, and did so as a free State. At the time, there was no room for Oregon's new Senators in the Capitol, and construction immediately began on the Chamber we find ourselves in today. One hundred and forty-three years later, there seems to be plenty of room in the Congress for Oregon and the 17 States that followed her.

From ''fifty-four forty or fight!'' to my State's current motto, ''She flies with her own wings,'' Oregon has always been emblazoned with the spirit of independence. Inaugurated by the arrival of Lewis and Clark at Fort Clatsop in 1805, this spirit of self-determination brought forth the pioneers from across the plains and over the snowy peaks of the Rockies and into Oregon Country. It is the marrow of the pioneers with their axes who forged high into Oregon's forested mountains to fell the timber needed to build an empire, and the farmers in the emerald valleys who pulled their plows through the soil to grow the crops that feed a nation.

The economy that grew from those natural resources stood strong for a century, during which time we learned to build fish hatcheries and to replant

our trees to ensure a sustainable bounty from the land and the water. When the hydropower system was built on the Columbia River, rural Oregon was electrified and the agricultural products of the ''inland empire'' were launched into the world. It was at the dedication of Bonneville Dam in 1937 that President Roosevelt aptly described the growing challenge of balanced economic growth between urban and rural areas. He said that the healthiest growth of urban areas ''actually depends on the simultaneous healthy growth of every smaller community within a radius of hundreds of miles.''

The current economic downturn in my state echoes Roosevelt's challenge. Whether it is in the Silicon Forest or the Doug Fir Forest, Oregon is learning that entire industries must no longer be pitted against one another, or rural economies exchanged for urban ones. We need them all, and we have to create an environment for them to flourish. Not long ago, Oregon was the Nation's leader in high-tech and timber. Now, Oregon leads the Nation in unemployment and hunger.

The wings by which Oregon flies are heavily burdened, and much of the weight falls from the Federal Government. Congress has failed to produce a stimulus package to relieve small businesses, families and the unemployed. But federal failures like this are not new to Oregon. The government is still in default on its promise to timber communities affected by the Northwest Forest Plan. So, too, are answers due to farmers in the Klamath Basin whose livelihoods were held captive by shoddy science.

Ironically, Oregon needs both ''more'' and ''less'' of the federal government. Oregon needs the federal government to be less burdensome to commerce, less capable of wiping out resource-based communities, and less eager to carry out grand political experiements on Oregon soil. But it also needs the government to be more honest in its dealings, more accountable for its actions, more targeted in its assistance, and more respectful of local approaches to local problems. It is only in such a world that Oregon's farmers and ranchers can truly thrive, her businesses flourish, and her economy survive. On the 143rd anniversary of Oregon's statehood, I know this because I know that no bird flies too high if she flies with her own wings.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

Mrs. MURRAY. Mr. President, I rise today to express my strong support for the farm bill the Senate passed yesterday.

I want to commend Senator HARKIN for this bill. Through his leadership, the Senate has passed a Farm Bill that will establish a better economic safety net for many farmers, bolster conservation efforts, improve nutrition and food security for our poorest citizens, and encourage new opportunities in rural communities. The bill also makes critical investments in agricultural trade and research.

I will talk about the long-term policy changes in a moment, but I want to mention a critical amendment sponsored by Senator BAUCUS. The Baucus amendment provides assistance to farmers and ranchers who have been hard hit by drought and other weather events in the last year. I worked with Senator CANTWELL to include $100 million in market loss assistance for apple growers in the amendment. I am very pleased the Senate voted 69–31 in favor of the amendment, and I will work to keep it in the final bill.

This Farm Bill passed by the Senate today will restore an effective safety net for many of our Nation's farmers.

For the last several years, I have heard concerns from farmers in Washington State who grow wheat, barley, dry peas, lentils and chickpeas. They believe, as I do, that the 1996 Farm Bill failed to meet the needs of producers and rural communities. The strongest proponents of the 1996 Farm Bill argued that if we gave producers more flexibility, created the best agricultural research system in the world, and opened foreign markets, our farmers would thrive in the global marketplace.

I strongly supported more flexibility in our commodity programs. And I have strongly supported efforts to improve our research infrastructure and expand and open foreign markets.

But our actions were not enough. Congress could not wave a magic wand and create a rational world market for agricultural products. The commodity title of the 1996 Farm Bill was written for a world that simply did not, and does not, exist.

This year, in this Farm Bill, Congress has the opportunity to write a commodity title that works. And Senator HARKIN and the Senate Agriculture Committee did just that. Wheat and barley producers in Washington State will benefit from a strong safety net that includes a good balance between higher loan rates, fixed payments, and countercyclical payments when market prices fall below target prices.

In addition, the bill includes a new marketing assistance loan program for dry peas, lentils, and chickpeas. I applaud this provision in the bill. It will help restore market-based decisions and make it economical for producers across the northern-tier States to grow these important rotational crops. I have been pleased to work with my dry pea, lentil, and chickpea growers in Washington State on this important issue. I believe it is critical, and I urge, the conferees to retain this provision in the final bill.

The Senate Farm Bill makes critical investments in conservation. The conservation title creates new opportunities to conserve resources on private lands while helping farmers and ranchers with their bottom lines.

The conservation title of this bill gradually increases funding for the Environmental Quality Incentives Program from its existing authorization of $200 million a year to $1.5 billion each year. EQIP is an effective and flexible tool. It provides technical, financial, and educational assistance to producers to build animal waste management facilities, improve irrigation efficiency, or enhance wildlife habitat. The EQIP funding included in this bill will help us improve water quality and salmon habitat in the Pacific Northwest.

The bill also includes commonsense increases for the Conservation Reserve Program and the Wetlands Reserve Program. While I recognize there are some concerns in farm country with expanding these programs, I believe the CRP and WRP provisions in this bill are reasonable.

The bill includes a new water conservation program within CRP. I believe this program will lead to new opportunities to protect fish and wildlife, while respecting the rights of our farmers and ranchers. As the bill goes to conference, I look forward to working with interested organizations on this issue.

Finally, the conservation title expands our investments in the Farmland Protection Program, the Wildlife Habitat Improvement Program, the Resource Conservation and Development Program, establishes a new Conservation Security Program, and improves forestry initiatives.

The conservation changes made in this bill are particularly important to States like Washington. The farmers in my State produce approximately 230 commodities. However, only a fraction of these commodities have a direct income or price support relationship with the Federal Government.

Without new investments in the Environmental Quality Incentives Program, the Conservation Reserve Program, and the Conservation Security Program, many farmers and ranchers would not receive the financial help they need to make the conservation investments the public is demanding. This bill creates a win-win situation for the environment and for farmers and ranchers.

I believe Congress also has a responsibility to create a win-win situation for our farmers and ranchers with respect to trade. One way we can do this is to invest in trade promotion programs that will help our farmers build marketshare in foreign countries.

In 1999, and again in 2001, I introduced the Agricultural Market Access and Development Act. My legislation would increase funding in the Market Access Program to $200 million and enhance funding for the Foreign Market Development Program. I was joined on that legislation by a bipartisan coalition of members.

The Senate Farm Bill includes substantial new investments in the Market Access Program and the Foreign Market Development Program, and I was pleased to be the leading advocate in the Senate to enhance these programs.

Congress also has a responsibility to allow all commodity groups to participate in our foreign food aid programs. I worked to include a small provision in the Farm Bill that requires the U.S. Department of Agriculture to issue a report on the use of perishable commodities, like potatoes and apples, in foreign food aid programs. Specifically, my amendment requires USDA to report to the Congress on transportation and storage infrastructure problems and funding problems that have prevented greater participation in the programs by specialty crops.

Just recently, 110,000 boxes of apples arrived in Vladivostok, Russia. This is the first time USDA has funded a shipment of perishable commodities through our foreign food aid programs. I believe our fruit and vegetable producers deserve an opportunity to participate in these initiatives, and I believe this report will be an important first step in improving access to these programs.

The Farm Bill includes additional provisions that I believe will help our farmers and ranchers.

The first would require country-of-origin labeling for fruits and vegetables, meat, and farm-raised fish and shellfish. We require our farmers and ranchers to meet environmental and food safety standards that are far above many of our competitors. Country-of-origin labeling will give consumers additional information with which to make a decision on the food they buy.

The second provision would allow the Federal Government to guarantee private loans to Cuba for the purchase of U.S. agricultural products. For too long, the United States has used food as a weapon against the Cuban people. The only person that has benefitted from this policy is Fidel Castro. I strongly support the Committee's bill with respect to Cuba, and I was pleased to join with my colleagues in defeating an amendment to eliminate these new financing tools.

Trade is critical to the long-term future of our agricultural producers. One other long-term investment we need to make is in the area of agricultural research.

In my home State, we are fortunate to have an excellent working relationship between our State universities and the USDA Agricultural Research Service. Through these partnerships, our universities and USDA have been able to leverage limited resources to create new varieties of crops, enhance food safety and improve conservation. This research benefits farmers, consumers, and the environment.

I am pleased that this Farm Bill strengthens our research infrastructure and increases funding for priority research initiatives. One program that is of particular significance to researchers in Washington State is the Initiative for Future Agriculture and Food Systems, and I am pleased the Senate bill includes additional funding for it.

The Farm Bill goes far beyond agriculture and conservation. It is a critical vehicle for helping communities and the poor.

Senator HARKIN has always been a leader in rural development, and this Farm Bill shows how seriously he takes this issue.

Included in the managers' amendment is a provision I authored on rural telecommunications planning. It would simply modify the broadband telecommunications grant program in the bill to add a small planning component. I will work to include this and other rural telecommunications provisions in the final bill.

I would like to complete my remarks by commending Senators HARKIN and LUGAR for their efforts in writing a strong nutrition title in this Farm Bill. Both the Chairman and Ranking Member of the Committee have an outstanding record on these issues. During debate on the Farm Bill, I was pleased to support amendments that further strengthened the food stamp program changes included in the bill.

The underlying bill made significant improvements to the food stamp program. It provides three more months of transition food stamps for families moving off welfare. It simplifies the program for State administrators and participating families. It helps benefits keep up with inflation and addresses the needs of the poorest families. And it restores eligibility for low-income working legal immigrants and their families.

The Senate also passed amendments by Senators DURBIN, DORGAN, and MCCONNELL that expanded the nutrition title. The Durbin amendment helped restore food stamp benefits to legal immigrants who have lived in the United States for five years. The Dorgan amendment expanded access to food stamps for families with children and modified the excess shelter expense deduction. The McConnell amendment expanded access to food stamps for low-income disabled families.

I was pleased to support final passage of this legislation. I believe it is the right bill at the right time for rural America, and I look forward to working with my colleagues as the bill goes to conference.

TRIBAL FORESTRY IN THE FARM BILL

Mrs. MURRAY. Mr. President, I rise today to speak on two tribal forestry amendments that were included in the Farm Bill that passed the Senate yesterday. I was pleased to work on these amendments with Senators INOUYE, DASCHLE, CANTWELL, BAUCUS, and WELLSTONE.

The purpose of these amendments is to improve coordination between the United States Forest Service and Native Americans in managing and protecting our natural resources.

The Forest Service owns millions of acres of forests and grasslands that share borders with land owned by tribes and by individual Native Americans. It is in the national interest for the Forest Service and tribes to coordinate their efforts to protect and manage these resources. It is also the Federal Government's fiduciary responsibility to assist tribes in managing trust lands and to ensure that tribal treaty rights on Forest Service lands are upheld. While over the years the Forest Service has adopted many policies regarding relationships with tribal governments, these policies have not been implemented consistently.

In 1999, the Chief of the Forest Service created a National Tribal Relations Task Force to make recommendations to strengthen policies and improve coordination. The Task Force, which included representatives from the Forest Service, the Intertribal Timber Council and the Bureau of Indian Affairs, BIA, found that, ''Specific legal authorities, authorizing legislation, regulations, manuals, and handbooks, must be modified to expand the foundation necessary to build long-term working relationships with Indian Tribes.''

These amendments build upon the recommendations made by the Task Force. The first amendment expands the Cooperative Forestry Assistance Act to include a section creating four programs for tribal governments. Currently, tribes are eligible to participate in the Forestry Incentives and Forest Stewardship programs created by the Act, but there are significant barriers to tribal involvement in these programs, which were designed primarily for state governments.

This amendment would allow the Secretary to facilitate tribal consultation and coordination on issues related to tribal rights and interests on Forest Service land, management of shared resources, and tribal traditional and cultural expertise. It would also authorize the Secretary to provide assistance with: conservation awareness programs on tribal forest land; technical assistance for resources planning, management and conservation; and tribal acquisition of conservation interests from willing sellers.

The second amendment to the Cooperative Forestry Assistance Act would create an Office of Tribal Relations within the Forest Service. The purpose of this Office is to provide advice to the Secretary on Forest Service policies and programs affecting Native Americans, to ensure coordination between the Forest Service and tribes and to administer tribal programs set up by the Forest Service. The amendment also requires the Office to coordinate with other agencies within the Agriculture Department, as well as with the BIA and the Environmental Protection Agency. Finally, the amendment requires the Office to create an annual

report on the status of these efforts to increase partnerships between the Forest Service and Native Americans.

There is widespread support for these amendments authorizing greater collaboration between the Forest Service and Native American tribes. The Department of the Interior is in favor of these amendments, and the U.S. Department of Agriculture has signed off on them as well. I have heard from several Washington state tribes asking me to be an advocate for these additions to the Forestry Title of the Farm bill. I am especially grateful for the Makah Tribe and the Intertribal Timber Council, which brought these ideas to me last year. Also, I greatly appreciate the assistance I have received from Senators DASCHLE, INOUYE, CANTWELL, and BAUCUS in working on these amendments. I also appreciate help I received from Senators HARKIN and LUGAR so these amendments could be included in a manager's package of amendments to the Farm Bill. On behalf of the numerous tribes with forest and grasslands bordering Forest Service lands.

ENDORSEMENT OF AMENDMENT TO BAN PACKER OWNERSHIP OF LIVESTOCK

Mr. JOHNSON. Mr. President, I rise today to call to the attention of my colleagues an editorial which appeared in the Huron, SD Daily Plainsman entitled ''We Need Action, Not Another Study.'' This editorial provides a strong endorsement of the bipartisan amendment that Senator GRASSLEY and I had included in the Senate version of the farm bill to ban the ownership of livestock by packers.

This newspaper recognizes the importance of my amendment and understands the real motivation behind the lobbying efforts to replace my language with a study on vertical integration—to kill it.

This editorial speaks clearly to the importance of having a farm bill that goes after concentration and replaces government checks with dollars from a true, competitive marketplace.

Mr. President, I ask unanimous consent that the editorial published in the Huron Daily Plainsman on February 10, 2002, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huron Daily Plainsman, Feb. 10, 2002]

WE NEED ACTION, NOT ANOTHER STUDY

An amendment to the Senate farm bill being offered by Sen. Tim Johnson, D–S.D., that would ban packer ownership of livestock 14 days prior to slaughter is running into rough resistance from the packing industry.

The latest is an amendment that would replace Johnson's proposal with a study.

Passing a farm bill that generously hands out taxpayers' dollars to producers who are caught in the mire of low services caused by corporate concentration in the agricultural industry isn't the idea. More important is a farm bill that attacks concentration and replaces government checks with dollars from the marketplace that are generated from true market competition.

The Johnson-Grassley amendment is a step in that direction. If Congress decides to study it some more, all that will do is to allow the big boys to get even bigger and continue the economic depression that has staggered rural South Dakota the last five years.

Smithfield Foods, which owns the John Morrell plant in Sioux Falls, recently placed ads in South Dakota newspapers criticizing Johnson's amendment. The ad said that if the amendment becomes law, Smithfield Foods would not rebuild the Sioux Falls plant, or build a new plant in South Dakota or make any further investment in South Dakota or any other state where public officials are hostile to their company.

The ad has been called economic blackmail and politically motivated. It appeared only in South Dakota newspapers, even though Sen. Chuck Grassley, R–Iowa, is a co-sponsor of the amendment and Smithfield owns a plant in Iowa. Johnson, who has championed a number of bills, such as the ban of packer ownership of livestock and a meat-labeling law, that brought the ire of the meat-packing industry down on him, is facing a tough re-election bid against Rep. John Thune.

But the motivation of the Smithfield ad is clear and simple—further control and dominance of the livestock industry.

It must be remembered that Smithfield is the company that bought out the Dakota Pork plant and then promptly closed it down, abruptly putting about 800 people out of work. At the time, Dakota Pork was John Morrell's main competition for South Dakota hogs.

In the Smithfield ad, not only did the company criticize Johnson's amendment, but it also said Amendment E was a restrictive law that was responsible for diminishing the supply of South Dakota hogs to its Sioux Falls plant.

But what has caused the decline of the hog industry in South Dakota was not the law that banned corporate hog farms in the state, but the vertical integration business practices of companies such as Smithfield Foods that seek to dominate the industry from the gate to the plate.

The ''it's either our way or no way'' business philosophy of giant agricultural corporations seeks to industrialize the agricultural industry at the expense of independent farmers and ranchers and rural communities.

Smithfield, which is already the world's largest producer and processor of hogs, also reflects a corporate philosophy that is troubling to independent producers and rural communities.

Grassley recently spoke of a conversation he had with the head of Smithfield, Joe Luters, when Luters said that the average farmer isn't sophisticated.

''I wish we could remember the exact words because it was very denigrating to the family farmer, not being smart enough to run his operation,'' Grassley said.

The objectives of this amendment are to increase competitive bidding, choice, market access, and bargaining power to farmers and ranchers in livestock markets.

Now, does that sound like that would destroy the pork and beef industry? Or does it sound like it would threaten large corporations in their bid to decrease independent producers' ability to have competitive bidding, choice, market access, and bargaining in livestock markets?

PLANNING GRANTS FOR RURAL TELECOMMUNICATIONS DEVELOPMENT

Mrs. MURRAY. Mr. President, I am pleased that Chairman HARKIN and Senator LUGAR accepted my amendment on rural telecommunications to the Farm Bill that passed the Senate yesterday.

My amendment simply adds a small planning component to the scope of acceptable activities for grants in the bill to help rural communities get connected to broadband telecommunications services.

Specifically, my amendment would provide access to broadband planning and feasibility grants to rural communities, with a maximum of $250,000 for statewide grants and $100,000 for regional grants. The total resources would be no more than $3 million per year for this purpose. State governments, regional consortia of local governments, tribal governments, cooperatives, and State and regional non-profit entities would be eligible to receive the grants.

As small and rural communities across the country try to get connected to advanced telecommunications services, they need help in the planning stage. And this amendment will give them the help they need.

Three years ago, I formed several working groups in my state to identify the primary needs of our rural communities and to find ways that our government can help meet those needs. We learned that many rural communities don't have access to advanced telecom services, like high speed Internet access. That lack of access is hampering their economic development and quality of life.

So I developed another working group to look for ways to help communities get connected to advanced telecommunications services. The members of my Rural Telecommunications Working Group held forums around the state that attracted hundreds of people. We tapped the ideas of experts, service providers and people from across the State who are working to get their communities connected.

They found that while urban and suburban areas have strong competition between telecommunications providers, many small and rural communities are far removed from the services they need.

We must ensure that all communities have access to advanced telecommunications like high speed Internet access. Just as yesterday's infrastructure was built of roads and bridges, today our infrastructure includes advanced telecom services.

Advanced telecommunications can enrich our lives through activities like distance-learning, and they can even save lives through efforts like telemedicine. The key is access. Access to these services is already turning some small companies in rural communities into international marketers of goods and services.

Unfortunately, many small and rural communities are having trouble getting the access they need. Before areas can take advantage of some of the help and incentives that are out there, they need to work together and go through a community planning process.

Community plans identify the needs and level of demand, create a vision for

the future, and show what all the players must do to meet the telecom needs of their community for today and tomorrow.

These plans take resources to develop. This amendment would provide those funds.

Providers say they're more likely to invest in an area if it has a plan that makes a business case for the costly infrastructure investment. Communities want to provide them with that plan, but they need help developing it.

Unfortunately, many communities get stuck on that first step. They don't have the resources to do the studies and planning required to attract service.

So the members of my Working Group came up with a solution: have the Federal Government provide competitive grants that local communities can use to develop their plans.

I took that idea and put it into a bill that I introduced in June 2001, S. 1056, the Community Telecommunications Planning Act of 2001. The basic structure of that amendment was incorporated into the Farm Bill.

When you think about it, it just makes sense. Right now the Federal Government already provides money to help communities plan other infrastructure improvements, everything from roads and bridges to wastewater facilities.

The amendment would provide rural and underserved communities with grant money for creating community plans, technical assessments and other analytical work that needs to be done.

With these grants, communities will be able to turn their desire for access into real access that can improve their communities and strengthen their economies. This amendment can open the door for thousands of small and rural areas across our state to tap the potential of the information economy.

I will work to ensure this provision is included in the final bill along with the other critical telecommunications initiatives that passed the Senate yesterday.

BUTTER/POWDER TILT

Mrs. BOXER. Mr. President, the U.S. Department of Agriculture, USDA, sets a price for the purchase of non-fat dry milk and the economic impact of USDA's decision is very important to California dairy farmers. On May 31, 2001, USDA made a decision to drop the price at which it will purchase non-fat dry milk as part of the dairy price support program.

USDA did not provide the dairy industry with an opportunity to provide information or comment on the Department's recommended decision. There was no advance notice or public hearings.

USDA conducted an economic analysis and all of the options may have been analyzed. But this information has not been released to the public, even though it was requested under the Freedom of Information Act.

In the first 6 months after USDA's decision to lower the price for non-fat dry milk took effect, California's dairy farm families lost tens of millions of dollars. In meetings with USDA, California farmers learned that another drop in the price is under consideration, which would result in millions more lost to dairy farmers. California produces 40 percent of the nation's supply of non-fat dry milk and so California could be hit hard yet again.

Transparency is a critical part of a fair and equitable decision-making process and it does not currently exist in the USDA process for setting the non-fat dry milk price. The Secretary is currently required to make a decision that includes factors such as cost reduction to USDA. The Secretary also must consider other factors that the Secretary considers appropriate. I believe additional steps should be taken during the conference to assure tranparency in the Secretary's decision-making process.

Factors that may be important to a decision to change the prices for butter and non-fat dry milk include: whether the decision will result in an intended change in milk production, whether the change will actually reduce government purchases and related costs, whether it will change producer milk prices, and whether other market factors, such as imports, have an effect.

Milk Protein Concentrate, MPC, is of particular concern. A recent GAO study documented significant increases in MPC imports that may be displacing domestic milk protein products. Since USDA is not releasing its economic analysis, we cannot know whether this important issue is being properly considered.

I would like to ask the Chairman of the Agriculture Committee, Senator HARKIN, if he would be willing to work with me on additional language to address this issue during the conference?

Mr. HARKIN. I would be pleased to work to address the concerns of the Senator from California regarding USDA procedures for the dairy support program.

PRESIDENT BUSH'S CHINA VISIT

Mr. CRAIG. Mr. President, later this month President Bush will be visiting the People's Republic of China. Clearly this is going to be an important visit. The issues the President will discuss with China's leaders are among the most important of our national agenda, including the following:

The war on terrorism, where we need China's continued support and cooperation.

The global economy and our bilateral economic relations with the PRC, a new member of the WTO.

Security relations in Asia where both of our countries have important interests and long-standing and close ties to other regional powers.

Among all these issues, though, one that will undoubtedly be raised by the PRC is Taiwan. It is a pretty safe bet that the PRC's leaders will try to use the President's visits to win some concessions on issues relating to Taiwan. They will probe for any signs that the United States is willing to compromise some of our interests in a strong U.S.-ROC relationship in exchange for real or promised strengthening of our ties with Beijing.

I know the President will be ready for this gambit, and will be fully prepared and determined to turn back any such efforts by Beijing. The President has already made it clear how important our ties with Taiwan are to the United States, and he has made it equally clear that he will not compromise our interest in regard to Taiwan in any way.

I am confident he also knows that as he pursues this strong, principled and sensible stand, he will have the full backing of the U.S. Senate. He will not stand for any Beijing attempts to undermine U.S.-ROC relations, and he knows the Senate of the United States won't, either.

The fact is, the Republic of China is one of our best friends in the region. It is also one of the region's strongest economies and most vibrant democracies. We have extensive ties to Taiwan, which are both articulated and protected in the Taiwan Relations Act. We are not going to do anything to compromise those ties.

I know I speak for all Senators when I express the wish that the President's visit to the PRC will be productive and advance our interests in Asia and the world, and when I express the confidence that U.S.-ROC relations will continue to be strong and to prosper, even as our relations with Beijing evolve.

Mr. GRASSLEY. Mr. President, in keeping with my policy on public disclosure of holds, today I placed a hold on further action on the Clean Diamond Trade Act, legislation reported out by House of Representatives.

Although this bill is very important to the continent of Africa's efforts to rid itself of rebels that use the sale of rough diamonds to overthrow legitimate governments, the measures in this legislation fall within the jurisdiction of the Finance Committee.

The proposed legislation calls for prohibiting diamond imports and should be discussed thoroughly before any rash decisions are made. With this in mind it is necessary for this bill to be referred to the Finance Committee to be heard and debated by our members before we send this legislation back to the floor.

NATIONAL DUCHENNE MUSCULAR DYSTROPHY AWARENESS WEEK

Ms. COLLINS. Mr. President, as we commemorate National Duchenne Awareness Week, I express my gratitude to my colleagues and to the Bush administration for their support late last year in passing H.R. 717, the Muscular Dystrophy Community Assistance Research and Education Act.

Sadly, at this time, there is no cure for DMD. Little boys with DMD are most often not diagnosed before the age of 2 or 3 years. Most boys with DMD walk by themselves later than average, and then in an unusual manner. They may fall frequently, have difficulty rising from the ground, or experience difficulty going up steps. Calf muscles typically look over-developed or excessively large, while other muscles are poorly developed. Use of a wheelchair may be occasional at age 9, but total dependence is usually established in the teen years. Most boys affected survive into their twenties, with relatively few surviving beyond 30 years of age.

I have heard from the parents and family of two little boys in Maine who have DMD. Their names are Matthew and Patrick Denger, and their family members are desperately hoping for a cure so they don't have to watch their sons suffer the long-term impacts of this debilitating disease. While we are far from finding a cure for DMD, I am hopeful that the MD CARE Act, signed into law by President Bush on December 18, 2001, will help Matthew and Patrick and the thousands of other young boys suffering from DMD. Specifically, the act authorizes the Secretary of Health and Human Services to expand and increase coordination of the activities by the National Institutes of Health with respect to research on muscular dystrophies, including DMD.

Efforts to improve the quality and length of life for thousands of children suffering from Duchenne muscular dystrophy are valuable beyond measure, and I commend all of my colleagues and all of the families who have worked so hard to raise awareness about this devastating disease.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 28, 1994 in Fall River, MA. A gay high school student was beaten by another teen who was heard shouting anti-gay epithets. The assailant, a minor, was charged with a hate crime and assault and battery.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

U.S. COMMISSION ON AFFORDABLE HOUSING AND HEALTH FACILITY NEEDS FOR SENIORS IN THE 21ST CENTURY

Ms. COLLINS. Mr. President, I am following with great interest the work of the U.S. Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, a Congressionally established panel co-chaired by Nancy Hooks of New York and Ellen Feingold of Massachusetts. Through a series of coast-to-coast field hearings, the ''Seniors Commission'' has launched an important nationwide dialogue on senior housing and health care issues, and the public policy challenges America is facing with the aging of the baby boom generation.

The Seniors Commission is due to deliver its recommendations to Congress by June 30, 2002. I am hopeful that the work of this panel will help to produce a more effective, coordinated and efficient approach to housing and health services for seniors. Americans—young and old—can learn more about the commission and share their views with the commissioners by viewing the Seniors Commission's website—*www.seniorscommission.gov*.

PRESIDENT BUSH'S CLEAR SKIES PROPOSAL

Mr. ENZI. Mr President, I rise to speak in support of the President Bush's Clear Skies proposal that he announced earlier today. The president's proposal is a plan that would use our nation's greatest resource, the ingenuity of our private industries, to ensure our children and grand children can inherit, not just a healthy environment, but a healthy economy as well.

The President has made this possible by giving industries a clear target to reduce emissions but will allow them to find the means and the method to reach those targets without following the traditional command and control environmental policies that have proven to be such a big failure in the past.

The goals are not going to be easy to reach. His proposal to reduce greenhouse gas emissions by 18 percent over the next ten years is going to require Industry stretch if it is going to measure up to the President's yardstick. But the goals are attainable, and, more importantly can be reached without bankrupting rural communities that rely on energy development, or by hurting those people who will suffer most by rising energy prices—people like seniors or low income families who could be forced to chose between paying their heating bills or buying food.

I also want to applaud the President for his willingness to reach out to developing nations to help work with them in developing a truly global effort to address global warming.

I have had the privilege of representing the United Senate at a number of Global Warming Conferences, starting with Kyoto, Buenos Aires, Seattle and more recently at the Hague. Those meetings provided me an opportunity to meet with global warming experts and representatives from other nations to discuss the role of the U.S. Senate in ratifying any treaty signed as a result of the United Nations negotiations.

Based on a 1997 Byrd-Hagel resolution, that passed the Senate on a final vote of 95 to 0, my message at each conference has included two important mandates that the Senate feels must be present in any global agreement affecting the United States. First, developing countries currently excluded from the framework protocol must be included in any final agreement; and second, the agreement could not result in serious harm to the United States' economy.

This is an issue that I have also been privileged to work on in my new capacity as a member of the Senate Foreign Relations Committee, where last year we passed an amendment proposed by my distinguished colleague from Massachusetts, Mr. KERRY, to the Department of State Reauthorization Act that encouraged the President to do exactly what he has done today. The President's new proposal reengages the United States as major player in the international global warming debate, this time not as the country that will bank roll all of the programs, but as a leader that will show other nations the way to improve the environment without destroying the economy.

Under the President's proposal, US companies will be able to invest in technologies to offset greenhouse gas emissions without fearing that they will not get credit for their innovations, or that they will have even greater or more difficult requirements imposed on them because of their voluntary effort. They will no longer have to worry that they will be penalized for having done the right thing.

Once again, Mr. President, I applaud the President Bush for his proposal and for his vote of confidence in the people of the United States. American know-how and ingenuity has fueled the technological advances we are already using today to make steady improvements in air and water quality. The President hit the nail right on the head when he said that it is our strong economy that makes it possible for us to make those necessary technological advances.

ADDITIONAL STATEMENTS

TRIBUTE TO BOB KRICK

• Mr. TORRICELLI. Mr. President, today I salute the retirement of Bob Krick, Chairman of the Civil War Preservation Group and Chief Historian at the Fredericksburg and Spotsylvania National Military Park. Throughout his long career, Bob has been a dedicated advocate for the preservation of American Civil War battlefields.

As a Civil War historian, Bob has written nearly a dozen books, most notably ''Stonewall Jackson at Cedar Mountain.'' Bob has also written four unit histories, including a roster of Confederate soldiers killed at the Battle of Gettysburg and a book about a Marine Corps infantryman at the Battle of Iwo Jima. His dedication to preserving Civil War sites has saved literally thousands of battlefield acres every year.

Bob, who lived in Fredericksburg when he began his career as a Civil War preservationist, did extensive work at the Fredericksburg Battlefield site, including significantly increasing the size of the park. During his time at Fredericksburg, Bob also taught the historians at nearly half of the Civil War Battlefield parks across our country. Despite the fact that Bob is retiring, his effect on preserving one of the defining periods in our Nation's history will continue to make an impact long after his departure.

Although much has been accomplished during Bob's tremendous career, there is still more to do. Therefore, Bob plans to serve on the Board of the Richmond Battlefield Association, write more books and continue advocating for the protection of Civil War Battlefields. I wish Bob the best of luck and look forward to our continued friendship.●

AMERICAN HEART MONTH

● Mr. INHOFE. Mr. President, Since it is Valentine's Day, I would like to offer a few brief comments on the heart health status of our nation. It is a serious concern in my state of Oklahoma and all across the country. Today over two thousand Americans will die from some form of cardiovascular disease, and in my state of Oklahoma, almost 45 percent of all deaths this year will be from cardiovascular disease. Heart disease is the number one leading cause of death in Oklahoma and in America. This is a sad state of affairs.

Although some children are born with heart conditions, and others may have a genetic tendency toward developing cardiovascular disease, there are many people suffering who could have prevented the onset of heart disease. A healthy diet and regular cardiovascular exercise can prevent high blood cholesterol levels, obesity, and high blood pressure, all of which are risk factors for heart disease.

I appreciate the work of the American Heart Association and others in raising awareness of the risk factors, warning signs, and preventative lifestyle behaviors that are crucial in our fight against this type of disease. This year the focus of Heart Month, which we celebrate every February, is Being Prepared in a Cardiac Emergency. I encourage all of my fellow Americans to take a CPR class, and I urge parents to teach their children how to call 9–1–1 in an emergency. Taking just a few cautionary steps can save lives.

Heart-shaped cards and candies inundate us this week and especially today. When we see these playful reminders of Valentine's Day, let us be reminded of how we must take care of our heart health and continue to fight the tragedy of heart disease in our Nation.●

TRIBUTE TO STAMFORD'S FIRST AFRICAN-AMERICAN POLICE OFFICER

● Mr. LIEBERMAN. Mr. President, James Foreman, a distinguished citizen of Stamford, CT, celebrated his 90th birthday on February 12. Raised in Stamford and a World War II Army veteran, James Foreman was the first full-time African-American police officer hired by the City of Stamford Police Department. Prior to his official hiring in 1947, Jim had served as a ''special hire,'' or auxiliary officer, for 12 years. As a police officer, he served with great courage, often in the most difficult areas of the city. Jim retired as a patrolman from the Stamford Police Department in 1977, with a total of 42 years of service. Since his 1977 retirement from the police force, Jim Foreman has remained very active and dedicated to public service in the community. He is a Justice of the Peace for the City of Stamford, and he volunteers in service to other senior citizens. Jim is well respected and greatly admired in the City of Stamford. I remember him with fondness and respect from the years of my youth, and after, in Stamford.

I am delighted to join with the current and past members of the Stamford Police Department, the citizens of Stamford, and Jim Foreman's family and friends in honoring him on his 90th birthday. We are eternally grateful to him for all the years he put his life on the line to enforce the law and protect the citizens of Stamford regardless of their race or creed. We are grateful, too, for all Jim Foreman accomplished through his long and dedicated service to help break down racial barriers in the department and throughout my home town of Stamford.●

''GUNFIGHTERS'' FROM MOUNTAIN HOME AFB

● Mr. CRAIG. Mr. President, I rise today to recognize the accomplishments of our service men and women who have served or who are serving during Operation Enduring Freedom. All who were involved in this operation have done an extraordinary job routing terrorism, defending our nation from further attacks, and making their fellow Americans proud of their efforts and accomplishments.

Let me especially thank the brave men and women of Mountain Home Air Force Base (MHAFB). The 366th Wing of MHAFB deployed three of their flying squadrons during this recent and ongoing operation, which included the 389th Fighter Squadron of F–16Cs, the 391st Fighter Squadron of F–15Es, and the 34th Bomber Squadron of B–1Bs. During their time in and around Afghanistan the 389th flew daily sorties attacking Taliban vehicles, facilities, and cave complexes. The 391st added to toppling the Taliban and al Qaeda by dropping a majority of the 500 pound precision-guided munitions. And finally, the 34th were the lead bombers of the campaign and accounted for a majority of the Air Force's 14 million pounds of munitions in the first 95 days of the air campaign.

Without these squadrons' support, justice might still have been served in Afghanistan, but it would not have been served forcefully, with authority, and with accurate and deadly precision. This was a tremendous accomplishment which demonstrated to potential evil-doers that aggression against the United States will provoke a response from Mountain Home Air Force Base and other United States entities.

While the 389th, the 391st and the 34th received well-deserved attention, let us not forget the efforts of MHAFB here at home protecting the United States. In addition to its efforts abroad, MHAFB is playing a significant role in defending our nation as part of Operation Noble Eagle. Currently, the 726th Air Control Squadron is protecting our interior air space twenty-four hours a day. And as I speak, the 726th is monitoring the air traffic over and around Salt Lake City ensuring the Olympics continue without interruption. Also helping support a safe Olympics is the 22nd Air Refueling Squadron of Mountain Home, which is flying air refueling missions for the combat air patrol fighters around Salt Lake.

Once again, I want to thank all of our men and women in uniform for their efforts and I especially want to take this opportunity to salute MHAFB. As the motto of the 366th Wing says, ''Audentes Fortuna Juvat,'' Fortune Favors the Bold. I am proud that Idaho is the home of the bold men and women of Mountain Home AFB, and I wish them good fortune in all their future endeavors.●

COMMEMORATING THE RETIREMENT OF MAJOR GENERAL WILLIAM A. MOORMAN

● Mr. DURBIN. Mr. President, I would like to bring to your attention today the exemplary work and most commendable public service of one or our country's outstanding military leaders, Major General William A. Moorman, the Judge Advocate General of the United States Air Force. General Moorman will be retiring after an especially distinguished military career on May 1, 2002.

General Moorman entered the Air Force in 1971 through the Air Force Reserve Officer Training Corps program. His early assignments included Richards-Gabaur Air Force Base, Missouri, Yokota Air Base, Japan, Homestead

Air Force Base, Florida, Luke Air Force Base, Arizona, and at the Pentagon here in Washington, D.C. He later served as the Staff Judge Advocate for 12th Air Force and U.S. Southern Command Air Forces, Bergstrom Air Force Base, Texas; as the first Staff Judge Advocate of U.S. Strategic Air Command, Offut Air Force Base, Nebraska; Staff Judge Advocate U.S. Air Forces in Europe, Ramstein Air Base, Germany; Commander Air Force Legal Services Agency, Bolling Air Force Base, Washington, D.C.; Staff Judge Advocate Air Combat Command, Langley Air Force Base, Virginia; and finally his current position as The Judge Advocate General of the United States Air Force, where he serves in the Pentagon.

General Moorman was born and raised in Chicago, and his father and mother, James and Mary Moorman, still reside in its suburbs. General Moorman earned a Bachelor's degree in history and economics at the University of Illinois, and then went on to attend the University of Illinois College of Law. He is a graduate of Squadron Officer School, a Distinguished Graduate of Air Command and Staff College, Maxwell Air Force Base, Alabama, and a graduate of the National War College, Fort McNair, Washington, D.C. General Moorman is admitted to practice before the U.S. Court of Appeals for the Armed Forces, the United States District Court for the Seventh Circuit and the Illinois State courts. His military decorations include the Distinguished Service Medal, the Legion of Merit with oak leaf cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with four oak leaf clusters, and the Armed Forces Expeditionary Medal for his service in Panama during Operation JUST CAUSE. General Moorman was also recognized as the Outstanding Young Judge Advocate of the Air Force in 1979, winning the Albert M. Kuhfeld Award, and as the Outstanding Senior Attorney of the Air Force in 1992, winning the Stuart R. Reichart Award.

Since 1999 General Moorman has served as The Judge Advocate General of the Air Force. In that capacity, he led and inspired an organization of over 3,000 military and civilian lawyers, paralegals, and support personnel. General Moorman's dynamic leadership, sound judgment, personal and professional integrity and unwavering devotion to duty were instrumental in the successful resolution of numerous difficult issues facing the JAG Department and the Air Force. At the same time, he was a key and trusted advisor to two Air Force Chiefs of Staff who relied on his sound, timely and cogent advice in resolving a host of complex legal and policy issues they encountered as the military leaders of the Department of the Air Force.

A visionary leader, Bill Moorman's tenure as The Judge Advocate General was marked by innovation and an unwavering focus on serving the needs of his Air Force client, wherever and whenever the mission required. From the outset of his assignment as the Judge Advocate General, he set about to leverage technology, particularly the use of electronic media and communications capabilities, and focus the efforts of his Department on a common vision for its evolution in the coming years. He drew upon the collective expertise of his most knowledgeable senior leaders to create several cornerstone publications, including the first ever judge advocate doctrine, and the ''TJAG Vision for the 21st Century.'' These documents articulate a common understanding of the unique and increasingly critical capabilities military legal professionals bring to bear in support of air and space operations and will ensure the momentum his efforts generated continue beyond his tenure.

Another hallmark of General Moorman's leadership was his sustained initiative to maintain the high levels of skill and competency of the legal professionals who comprise the Department. His efforts were instrumental in enactment of legislation authorizing continuation pay for judge advocates, a measure that is reversing a perennial recruiting and retention problem by ameliorating spiraling student loan financial burdens that previously had prevented many of our best and brightest law school graduates from electing to serve in the nation's armed forces.

Perhaps General Moorman's greatest legacy will be his commitment to ensuring the Air Force Judge Advocate General's Department operates in a fashion that seamlessly merges its diverse, traditional fields of practice into the Expeditionary Aerospace Force model. He orchestrated numerous programs to ensure judge advocates are skilled in advising commanders on the application of air and space power across the spectrum of military conflict and also oversaw the creation of a comprehensive guide covering the application of air and space power across the full range of combat and noncombat operations.

In the midst of the tragedy of September 11, his first thoughts turned to care for the injured at the Pentagon. He used his personal van as an ambulance and drove a wounded civilian employee to Arlington Hospital. He then returned to duty and led the remarkable effort to consider the unique legal issues involved in our homeland defense and the global war on terrorism. His efforts during and after the Pentagon attack underscore the force multiplying effect reliable legal counsel will bring to armed conflict in the 21st century.

I ask that you join me, our colleagues and General Moorman's many friends and family in saluting this distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife Bobbie, and his family are extremely proud of his accomplishments. It is fitting that the United States Senate honors him today.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2998. An act to authorize the establishment of Radio Free Afghanistan.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 3:25 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 97. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 980: A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes. (Rept. No. 107–137).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself, Mr. HAGEL, Mr. REED, and Mr. ENZI):

S. 1945. A bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. ALLARD)):

S. 1946. A bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mrs. CARNAHAN:

S. 1947. A bill to amend title XIX of the Social Security Act to clarify the circumstances under which a hold harmless provision does not exist with respect to a broad-based health care related tax; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON):

S. 1948. A bill to establish demonstration projects under the medicare program under title XVIII of the Social Security Act to reward and expand the number of health care providers delivering high-quality, cost-effective health care to medicare beneficiaries; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, and Mr. ENZI):

S. 1949. A bill to amend the Public Health Service Act to promote organ donation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 1950. A bill for the relief of Richi James Lesley; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, and Mrs. BOXER):

S. 1951. A bill to provide regulatory oversight over energy trading markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, and Mr. BREAUX):

S. 1952. A bill to reacquire and permanently protect certain leases on the Outer Continental Shelf off the coast of California by issuing credits for new energy production in less environmentally sensitive areas in the Western and Central Planning Areas of the Gulf of Mexico; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1953. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1954. A bill to establish a demonstration project under the medicare program under title XVIII of the Social Security Act to provide the incentives necessary to attract educators and clinical practitioners to underserved areas; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1955. A bill to amend title XVIII of the Social Security Act to require that the area wage adjustment under the prospective payment system for skilled nursing facility services be based on the wages of individuals employed at skilled nursing facilities; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. HATCH, Mr. SCHUMER, and Ms. CANTWELL):

S. 1956. A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. DEWINE, Mr. FRIST, Mr. KENNEDY, Mr. TORRICELLI, Ms. COLLINS, Mr. BREAUX, Mr. WELLSTONE, Mr. BIDEN, Mr. INOUYE, Mr. KOHL, Ms. LANDRIEU, Mr. SPECTER, Mr. JOHNSON, Mr. DORGAN, Mr. CLELAND, Mr. GRAHAM, Mr. DODD, Mr. ENZI, Mr. LEVIN, Mr. KERRY, and Mr. REID):

S. Res. 210. A resolution designating February 14, 2002, as ''National Donor Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 258

At the request of Mrs. LINCOLN, the names of the Senator from California (Mrs. BOXER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 690

At the request of Mr. WELLSTONE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 1024

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1024, a bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes.

S. 1193

At the request of Mr. BAYH, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Minnesota (Mr. DAYTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1193, a bill to provide for the certain of private-sector-led Community Workforce Partnerships, and for other purposes.

S. 1248

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1282

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1409, supra.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1644

At the request of Mr. CAMPBELL, the names of the Senator from Montana (Mr. BURNS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1786

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1917

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1917, supra.

S. RES. 205

At the request of Mr. CAMPBELL, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. Res. 205, a resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

S. RES. 208

At the request of Mr. BREAUX, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 208, a resolution commending students who participated in the United States Senate Youth Program between 1962 and 2002.

S. CON. RES. 84

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. Con. Res. 84 , a concurrent resolution providing for a joint session of Congress to be held in New York City, New York.

AMENDMENT NO. 2268

At the request of Mr. BROWNBACK, his name was added as a cosponsor of amendment No. 2268 intended to be proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. HAGEL, Mr. REED, and Mr. ENZI):

S. 1945. A bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise to introduce S. 1945, the Safe and Fair Deposit Insurance Act of 2002, together with my good friends and colleagues, Senator HAGEL, Senator REED and Senator ENZI. This important legislation would help to ensure that deposit insurance, which is the bedrock of our banking system, maintains its strength even when faced with economic weakness.

S. 1945 is the culmination of many years of my involvement in the issue of deposit insurance reform. I would like to recognize the banking community in South Dakota for their critical role in the process, from explaining how elements of the current system endanger local banks throughout that great State, to helping to craft solutions that make sense to the average American depositor.

The current deposit insurance system is dangerously pro-cyclical, and in a softening economy, banks are at real risk of having to absorb severe insurance premiums when they can least afford them. In the last month alone, four banks have failed, putting pressure on the insurance funds.

In addition, deposit insurance coverage was last adjusted in 1980, and its real value has eroded over the decades. S. 1945 proposes an increase in coverage, and ensures that in the future, coverage keeps pace with inflation through periodic indexing. We also increase the level of coverage for our municipalities' deposits, to reduce the risk that a bank failure will wipe out a town's financial base, as happened just last week in Ohio, and also to free up much needed capital to lend to cash-starved communities.

Our bill pays special attention to the needs of our retirees. We propose that retirement savings be covered up to $250,000, to allow our retirees to keep their money safe without being forced to search for a bank outside of their trusted communities.

So many of our retirees have spent their lives saving to make sure they can remain independent in their later years, especially given some uncertainty about the long-term health of Social Security. Many have put those savings to work in a variety of investments through tax-deferred accounts and have watched those balances mount.

Over the last few months, however, we have been reminded that while equity markets can provide unparalleled opportunities for economic growth, those opportunities come with volatility. And while many younger investors have enough time to ride out ups and downs, those of us who are closer to retirement age have to make sure we have enough savings in secure investments to provide for a comfortable retirement.

Our bill also merges the two deposit insurance funds, and gives the FDIC additional flexibility to manage the fund balance through regular insurance premiums. Since 1996, 93 percent of all insured depositories have paid nothing for their insurance coverage, which simply doesn't make sense. Under the bill, the FDIC would be permitted to resume premium assessments; however, they would also be required to keep the fund ratio within a range, with a goal of minimizing sharp swings in those assessments. FDIC is also charged with the task of building the fund up in good times, so in bad times, banks will avoid the economic pressure of steep charges that could precipitate a downward spiral.

Finally, we provide a one-time assessment credit so that institutions that have paid their fair share into the insurance funds don't end up subsidizing new entrants and fast growers. The credit will also defer premium payments for up to several years in some cases.

Before I close, I would like to comment on the remarkable bipartisan process that has allowed this bill to take shape. Partisan politics has no place in discussions of deposit insurance reform, which is so critical to America's economic foundation. Senators HAGEL, REED, ENZI and I have worked together on S. 1945, and I am proud of the results of this teamwork. This is just one more example proving that the best laws are those that are built on solid principles by bipartisan teams.

Finally, I thank FDIC Chairman Don Powell for his leadership on this issue. He has recognized the importance of reform, and it has been a pleasure working with him and his talented team at the FDIC.

By Mr. LOTT (for Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. ALLARD)):

S. 1946. A bill to amend the National Trails Systems Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

• Mr. CAMPBELL. Mr. President, today I am introducing legislation to designate the Old Spanish Trail for addition to the National Trails System.

In 1995, I worked to commission a study of the Old Spanish Trail to assess its historic significance and determine whether it should be included in the National Trails System. That recently published study discussed the Trail in great detail, recognizing it as a benchmark of the Old West.

I would like to commend the Department of the Interior and National Park Service's scholarship in producing the ''National Historic Trail Feasibility Study and Environmental Assessment'' of the Old Spanish Trail.

The Old Spanish Trail has been called the ''longest, crookedest, most arduous pack mule route in the history of America.'' Linking two quaint pueblo outposts, Villa Real de Sante Fe de San Francisco, now known as Santa Fe, and El Pueblo de Nuestra Senora La Reina de Los Angeles, present day Los Angeles. This 1,200 mile route was a critical crossroads in trade and culture 150 years ago.

American Indians lived for thousands of years throughout the American Southwest, carving out a network of trade and travel routes. The Utes, Paiutes, Comanches, and Navajo peoples used what was known as the Old Spanish Trail.

The Old Spanish Trail played a crucial role as a crossroads for the diverse cultures in the West. Indian Tribes, Spaniards, Mexicans, Anglo settlers, including the Mormons, and other immigrants used the route extensively.

The traded commodities along the Trail were as diverse as those who used it. The Old Spanish Trail supported the fur, mule, horse, sheep, and textile trades. Demand for sheep grew dramatically in California after the Great Gold Rush. In 1849, a gold-seeker named Roberts bought 500 sheep in New Mexico for $250, and sold them in California for $8,000.

Beyond traditional commerce, Old Spanish Trail traders also traded in American Indian slaves. Tribes would raid weaker tribes and sell captives to the Spanish, and later to the Mexicans. The Indian slave trade continued as late as the 1860s.

The trail's rich history marks important events in our nation's westward expansion. For example, in 1848, Lt. George B. Brewerton recorded his journey over the Spanish Trail and the northern branch. The young lieutenant accompanied a party of thirty men including the noted scout, Kit Carson. Carson was carrying mail from Los Angeles to the East Coast. The party left Los Angeles on May 4 and reached Santa Fe via Taos on June 14, forty-one days later. Carson proceeded east, reaching Washington, DC in mid-August, bringing news of the discovery of gold in California. Carson's news effectively fired the starting gun for the great gold rush.

The study includes numerous accounts of other expeditions, experiences, and events marking our Nation's history. Thanks to a variety of public and private partnerships, we are learning more about the history of the Trail and the region everyday.

In Colorado, the Bureau of Land Management has worked on documenting and interpreting the route with local communities, such as Mesa County and the City of Grand Junction. Interested private groups have sprung up to recognize the significance of the Trail and work to preserve it for generations to come. One such group, the Old Spanish Trail Association, founded in Colorado, studies the trail to raise the public's awareness of our country's diverse cultural heritage in the region. The association has already located wagon ruts and other vestiges of the trail's heyday.

The time has come to acknowledge the national historical importance of the Old Spanish Trail.

This bill designates the Old Spanish Trail for addition to the National Trails System to promote the recognition, protection and interpretation of our history in the West. By introducing this legislation today, we pay tribute to the cultures of the West that have enriched our nation and to an important period in American history.

I urge my colleagues to support swift passage of this legislation.

I ask that the text of the bill be printed in the RECORD.

The bill is as follows:

S. 1946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Old Spanish Trail Recognition Act of 2002''.

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the second paragraph (21) as paragraph (22); and

(2) by adding at the end the following:

''(23) OLD SPANISH NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Old Spanish National Historic Trail, an approximately 3,500 mile long trail extending from Santa Fe, New Mexico, to Los Angeles, California, that served as a major trade route between 1829 and 1848, as generally depicted on the map contained in the report prepared under subsection (b) entitled ''Old Spanish Trail National Historic Trail Feasibility Study'', dated July 2001.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the office of the Director of the National Park Service.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, acting through the Director of the National Park Service (referred to in this paragraph as the 'Secretary').

''(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

''(E) CONSULTATION.—The Secretary shall consult with other Federal, State, local, and tribal agencies in the administration of the trail.

''(F) ADDITIONAL ROUTES.—The Secretary may designate additional routes to the trail if—

''(i) the additional routes were included in the Old Spanish Trail National Historic Trail Feasibility Study, but were not recommended for designation as a national historic trail; and

''(ii) the Secretary determines that the additional routes were used for trade and commerce between 1829 and 1848.''.

Mr. DOMENICI. Mr. President, last year I introduced a bill that would have designated the Old Spanish Trail as a National Historic Trail. When I introduced that bill, we were waiting for the Administration to complete its work on a final study. Additionally, Senator CAMPBELL wrote a personal note to me asking that I work with him on a new bill that incorporates the new study. Today, we introduce that bill. As with my original bill this legislation will amend the National Trails System Act and designate the Old Spanish Trail; which originates in Santa Fe, New Mexico and continues to Los Angeles, California as a National Historic Trail.

Today, more than 150 years after the first settlers embarked on their western journeys via the Old Spanish Trail, we honor its historic significance and recognize its importance to our past, present and future. I am proud to introduce legislation that will help preserve the route of the trail—much of which has remained relatively unchanged since the trail period.

The United States of America has a rich history and an exciting part of that is the movement of civilization westward. Citizens who settled in the West came from all walks of life and have deep rooted cultural and historic ties to land throughout the west. Since 1829, The Old Spanish Trail has served many, from trade caravans to military expeditions. For twenty plus years the Old Spanish Trail was used as a main route of travel between New Mexico and California.

The Old Spanish Trail is also a vital part of Native American history. We know that numerous Indian pueblos were situated along the Old Spanish Trail serving as trading forums for the trail's many travelers. The majority of these pueblos are still occupied by descendants whose ancestors contributed to the labor and goods that constituted commerce on the Old Spanish Trail.

The Old Spanish Trail is a symbol of cultural interaction between various ethnic groups and nations. Further, it is a symbol of the commercial exchange that made development and growth popular, not only in the West, but throughout the country.

The National Trails System was established by the National Trails System Act of 1968 ''to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open air, outdoor areas and historic resources of the Nation.'' Designating the Old Spanish Trail as a National Historic Trail would allow for just what the act has intended, preservation, access, enjoyment and appreciation of the historic resources of our Nation.

The Old Spanish Trail has been significant in many respects to many different people and its rich history is something that should be included in our National Trails System. The intent of this legislation is to protect this historic route and its historic remnants for public use and enjoyment indefinitely.

By Mrs. CARNAHAN:

S. 1947. A bill to amend title XIX of the Social Security Act to clarify the circumstances under which a hold harmless provision does not exist with respect to a broad-based health care related tax; to the Committee on Finance.

Mrs. CARNAHAN. Mr. President, in late October, I came to the Senate floor to address a dispute between the state of Missouri and the Health Care Financing Agency, now known as the Centers for Medicare and Medicaid Services, or CMS. I felt compelled to discuss the matter because of what was at stake, the future of Missouri's Medicaid program.

Medicaid is a partnership between the Federal Government and the States to provide healthcare services to our most vulnerable citizens—low-income children and seniors. Unfortunately, the Federal partner, CMS, is behaving irresponsibly.

Since I last spoke about this issue on the Senate floor, CMS Administrator Tom Scully escalated the dispute to an unprecedented level. Not only unprecedented, but dangerous.

On November 29, he sent a harshly toned letter to Governor Holden that called Missouri's tax on hospitals illegal and threatened to withhold $1.6 billion from the State.

I am here today to call attention to an agency that is out of control. At a time when States are struggling to maintain service due to the recession, this agency has threatened to devastate Missouri's health care safety net. At a time when States and the Federal Government should be working for the common good, CMS is ignoring its own laws and regulations.

After our delegation appealed to top Administration officials, finally negotiations began on a long-term solution to the Medicaid funding issue. But just this weekend, reports emerged that CMS expects to pressure Missouri into accepting changes to the program due to its threatened legal action. I am all in favor of negotiations. But I want a bargaining table to be completely level. Our State should be free to act in the best interest of Missouri's citizens without a $1.6 billion lawsuit hanging over its head. That is why I am also introducing legislation today that seeks to put an end to this dispute once and for all.

Governor Holden has stated that one of his top Federal priorities is to clarify that Missouri's provider tax is fully consistent with Federal law. That is what my bill does.

Before I explain my legislative proposal, I want to describe the events that have brought us to this point in time. The subject of the disagreement is Missouri's provider assessment program, which is a tax on hospitals. States use the money generated from these taxes as their ''match'' for Federal Medicaid dollars. Over ten years ago, Congress became concerned that States were using provider taxes improperly to increase the Federal contributions to Medicaid programs. In response, Congress enacted a law in 1992 that placed limitations on provider assessment programs.

One specific limitation is that a provider assessment must not contain a ''hold harmless'' provision. This means that States may not guarantee that a hospital will receive back from Medicaid the amount of funds it paid to the State in provider taxes.

In 1992, under the leadership of Governor John Ashcroft, now the Attorney General, Missouri complied with the federal law by enacting the Federal Reimbursement Allowance Program law. This law created a tax on hospitals, but contained no ''hold harmless'' provision. Governor Ashcroft signed the bill into law. Governor Carnahan continued the program, and Governor Holder is continuing it.

For almost a decade, the program has been operating under the auspices of HCFA, now CMS. During this time, 100 percent of the revenues generated by the tax have been dedicated to Missouri's Medicaid program. The program has made Missouri a national model for using Federal, State, and private resources to provide health care to as many needy citizens as possible. This long-standing legal tax has assisted Missouri in creating a strong healthcare safety net for its children, pregnant women, and most vulnerable seniors.

Much of Missouri's success can be attributed to expanded enrollment of eligible citizens in Medicaid. During the 1990's, the number of Missourians covered by Medicaid more than doubled, increasing from 364,000 in 1990 to 839,000 in 2001. The number of children enrolled in Medicaid has grown at an even faster rate, increasing from 180,000 in 1990 to 474,000 in 2001.

An important step in covering more children was the enactment of the state's Children's Health Insurance Program, also known as MC Plus. Under the leadership of Governor Carnahan, MC Plus was designed to cover children up to 300 percent of the poverty level. It is a national model. Due to MC Plus, uninsured working parents could secure this previous health coverage for their children. The MC Plus program has made a difference in the lives of 75,000 children in Missouri.

This combination of initiatives has sharply reduced the number of Missouri citizens that lack health insurance. In 1999, Missouri had the fourth lowest percentage of uninsured citizens in the country.

These tremendous accomplishments, however, could be completely undermined because of a bureaucratic crusade to overturn Missouri's provider tax, a crusade that is not based on law.

Let me explain. The letter CMS Administrator Scully sent to Missouri on November 29 was significant for several reasons.

First, it was the first formal declaration from CMS that the agency found Missouri's State provider tax impermissible.

Second, the letter included a draft audit that outlined the agency's case and claimed that it would seek to take back $1.6 billion from the State.

Third, the letter opens the door for CMS to actually try to take back the money.

Until this the draft audit was sent, CMS had only threatened action against the state. Now, this letter has made it abundantly clear that the CMS case is based on a flawed legal theory.

The Federal statute says that there is a hold harmless provision with respect to the provider tax if the Secretary can determine that, and I quote from the statute: ''The State or other unit of government improving the tax providers—directly or indirectly—for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax.''

In the draft audit, Mr. Scully asserts that Missouri indirectly holds hospitals harmless. This leads one to ask the question, how is an ''indirect guarantee'' defined under the law? The answer exists, but unfortunately Mr. Scully's letter does not include it. You can find the answer in the Federal regulations that govern how the Federal provider tax law should be implemented.

On September 13, 1993, almost ten years ago, the U.S. Department of Health and Human Services issued final regulations for the new law. The regulations established an objective test to determine whether a government had an indirect guarantee. The regulations provide that if the tax on health care providers is less than 6 percent of the taxpayer's revenues, ''the tax or taxes are permissible.''

Missouri's provider tax on hospitals has always been less than 6 percent. Case closed.

The bill that I am introducing today essentially codifies this regulation into law. If CMS were willing to abide by its own regulations, then this bill would not be necessary. But I am concerned from the actions the agency has taken and its responses to my inquiries on the subject, that CMS is pursuing an ideological agenda, not fair even-handed enforcement of the law.

There is nothing wrong with the State law former Governor Ashcroft signed a decade ago. There has been no ''indirect guarantees'' to anyone. CMS should back off and allow Missouri to do what it has been doing well for over a decade, providing healthcare to its citizens.

I encourage my colleagues to take a close look at my bill and support its passage.

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON):

S. 1948. A bill to establish demonstration projects under the Medicare program under title XVIII of the Social Security Act to reward and expand the number of health care providers delivering high-quality, cost-effective health care to Medicare beneficiaries; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join my colleague and dear friend from Wisconsin, Senator FEINGOLD, in introducing a ''Medicare Fairness'' package of bills that will ensure that the Medicare system rewards rather than punishes states like Maine and Wisconsin that deliver high-quality, cost-effective Medicare services to our elderly and disabled citizens.

The good people of Maine pay the same payroll taxes to Medicare, and our seniors pay the same premiums, deductibles and copayments as Medicare beneficiaries in other parts of the country. Yet Maine's patients, physicians, hospitals and other providers receive far less from the program in return when it comes to Medicare payments.

According to a recent study published in the Journal of the American Medical Association, Maine ranks third in the Nation when it comes to the quality of care delivered to our Medicare beneficiaries. Yet we are 11th from the bottom when it comes to per-beneficiary Medicare spending.

The fact is that Maine's Medicare dollars are being used to subsidize higher reimbursements in other parts of the country. Maine's Medicare patients receive, on average, $3,856 worth of Medicare services per year, far below the national average of $5,034. By way of contrast, in the District of Columbia, Medicare patients receive about $15,620 in Medicare payments a year. Moreover, these dramatically higher payments have not bought any better

care for the District's Medicare beneficiaries. According to the Journal of the American Medical Association, the District is ranked 34th out of 52, in the bottom third, when it comes to quality.

This simply is not fair. Medicare's reimbursement systems have historically tended to favor urban areas and failed to take the special needs of rural States into account. Ironically, Maine's low payment rates are also the result of its long history of providing high-quality, cost-effective care. In the early 1980s, Maine's lower than average costs were used to justify lower payment rates. Since then, Medicare's payment policies have only served to widen the gap between low and high-cost states.

As a consequence, Maine's hospitals, physicians and other providers have experienced a serious Medicare shortfall, which has forced them to shift costs on to other payers in the form of higher charges. This Medicare shortfall is one of the reasons that Maine has among the highest health insurance premiums in the nation. Small businesses, for example, are facing increases of 20 to 30 percent, jeopardizing their ability to provide coverage for their employees.

Moreover, the fact that Medicare underpays our hospitals and nursing facilities has significantly handicapped Maine's providers as they compete for nurses and other health care professionals in an increasingly tight labor market.

As a recent study by Dr. John Wennberg of the Dartmouth Medical School points out, more Medicare spending does not necessarily buy better quality health care. According to the Dartmouth study, Medicare beneficiaries in high-cost states don't live any longer or enjoy better quality care. High cost states simply provide more care. They rely on inpatient and specialist care more than outpatient and primary care, and they tend to treat the chronically ill and those near death much more aggressively, with possible adverse effects on their quality of life. According to the Dartmouth study, this pattern of practice is driven not by medical evidence, but instead by community practice patterns and the availability of hospital beds.

The legislative package we are introducing today will reform the current Medicare reimbursement system by reducing regional inequities in Medicare spending and providing incentives to hospitals and physicians to encourage the delivery of high-quality, cost-effective care.

The first bill, the Physician Wage Fairness Act of 2001, will promote fairness in Medicare payments to physicians and other health professionals by eliminating the outdated geographic physician work adjustor in the physician fee schedule that has resulted in a significant differential in payment levels to urban and rural health care providers.

We are concerned that the current formula does not accurately measure the cost of providing services. As a consequence, Medicare pays rural providers far less than it should for equal work. We also don't think that it makes sense to pay physicians more for their work in areas like New York City, which tend to have an oversupply of physicians, and pay physicians less for the same services in areas that are more likely to experience shortages. Eliminating the georgraphic physician work adjustor will bring an estimated $1 million a year in Medicare payments to physicians and other providers in Southern Maine and $3 million more to providers in the rest of Maine.

The second bill, the Medicare Value and Quality Demonstration Act of 2002, will authorize a series of demonstration programs to encourage high-quality, low-cost health care to Medicare beneficiaries. These programs would reward hospitals and physicians who deliver high quality care at a lower cost. It would also require that the states chosen for the pilot projects create a plan to increase the number of providers who deliver high-quality, cost-effective care to Medicare beneficiaries.

A third bill, the Graduate Medical Education Demonstration Act, will allow the Secretary of Health and Human Services to use existing Graduate Medical Education funds to create a program to encourage hospitals in underserved areas to host clinical rotations to encourage more medical students to practice in these areas when they graduate.

And finally, the Skilled Nursing Facility Wage Information Improvement Act will promote fairness in Medicare payments to nursing homes by collecting and using accurate nursing home wage data rather than, as is the current practice, using the inaccurate hospital wage data that discriminates against States like Maine.

As Congress works to modernize Medicare, we must also restore basic fairness to the program and find ways to reward, rather than penalize, providers of high-quality, cost-effective care. This is what our legislation will do, and I encourage all of our colleagues to join us as cosponsors.

By Mr. FRIST (for himself, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, and Mr. ENZI):

S. 1949. A bill to amend the Public Health Service Act to promote organ donation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, on this Valentine's Day, National Donor Day, I rise to speak on the critical issue of organ donation. It is with great pleasure that I join with my colleagues Senators DODD, HUTCHINSON, JEFFORDS, and ENZI to introduce the Organ Donation and Recovery Improvement Act.

This far-reaching, comprehensive legislation includes a number of new steps intended to improve organ donation and recovery efforts nationwide and increase the number of organs available for transplants each year. This legislation is further complemented by a resolution that I, and a number of my colleagues are introducing today to commemorate today as National Donor Day and call attention to the important issue of organ donation.

This year, more than twenty-two thousand Americans will receive an organ transplant. This is due to the rapid and tremendous advancements in our knowledge and in the science of organ transplantation. As a heart and lung transplant surgeon before coming to the Senate, I have had the opportunity to watch the field develop tremendously over the past three decades. I remember my own experiences, of conducting some of the first transplants using hearts and lungs, and know the tremendous progress that has been made since that time. And I know the hundreds of my own patients who have benefitted from improved lives due to advances in transplantation.

Advances in our knowledge and the science have allowed us to transplant individuals who were once not considered candidates. But such advances have meant a staggering increase in the number of patients waiting for a transplant, while the number of donated organs has failed to keep pace. In fact, there are almost 80,000 patients waiting for a transplant today, a fourfold increase from just over a decade ago. Many of them may die before they can receive a transplant.

More needs to be done. We must look for other ways to improve organ donation, to identify eligible organs and work with families to help them better understand the value of donation.

Secretary Thompson already has made great progress in this area. I commend him for making organ donation a top priority at the Department of Health and Human Services. His initiative holds great promise. In particular, I applaud his call to recognize donor families through a medal of honor, something I have long supported through my own legislation, the Gift of Life Congressional Medal Act. I also welcome the Secretary's commitment to more closely scrutinize the role that organ donor registries play in the donation process.

The legislation I am introducing today builds on these efforts through a broad range of initiatives intended to improve organ donation and recovery, enhance our knowledge base in these fields, and encourage novel approaches to this growing problem.

The Organ Donation and Recovery Improvement Act is designed to improve the overall process of organ donation and recovery. The bill also seeks to remove potential barriers to donation, while identifying and focusing on best practices in organ donation.

Let me briefly highlight a few key provisions of the legislation. First, the bill establishes a grant program for demonstration projects intended to improve donation and recovery rates and

ensures that the projects' results will be evaluated quickly and disseminated broadly. The bill also provides for the placement and evaluation of organ donation coordinators in hospitals, a model that has worked with success in other countries.

In addition, the legislation expands the authority of the Agency for Healthcare Research and Quality to conduct important research, including research on the recovery, preservation and transportation of organs and tissues. As we all know, the science of organ transplantation has been improved and refined over and over again since its inception. Yet all too often organ donation efforts are conducted under the same conditions and understandings as they were twenty years ago. This must change, and the legislation Senator DODD and I are introducing today will help establish a strong evidence-based approach to enhance organ donation and recovery and improving our understanding of this process.

The bill also includes several important provisions affecting living organ donation. First, it attempts to reduce potential financial disincentives toward serving as a living donor by allowing for the reimbursement of travel and other expenses incurred by living donors and their families.

Importantly, the bill also takes steps towards evaluating the long-term health effects of serving as a living donor by asking the Institute of Medicine to report on this issue, as well as through the establishment of a living donor registry intended to track the health of individuals who have served as living organ donors. There remain important questions surrounding how this registry should be structured, and I look forward to working with my colleagues and the experts in the field to finalize the details before any legislation is enacted.

Finally, I would like to address the issue of prospective organ donor registries. I am supportive of donor registries and feel they have an important role to play in improving organ donation rates. Moreover, I am pleased by the actions taken by some states to establish and enhance such registries. However, I am concerned that too great a focus has been placed on registries at a time when a number of questions surrounding registries remain unanswered and their effectiveness has not been fully evaluated. Therefore, the bill establishes an advisory committee to study this question and to report to Congress on the usefulness and success of organ donor registries and potential roles for the federal government to play in encouraging and improving such programs.

The Frist-Dodd Organ Donation and Recovery Improvement Act is supported by a wide range of patient and organ transplantation organizations. I am pleased that the bill is supported by the American Society of Transplantation, National Kidney Foundation, American Liver Foundation, North American Transplant Coordinators Organization, Patient Access to Transplantation Coalition, TN Donor Services, New Mexico Donor Services, and Golden State Donor Services. I thank them for their hard work and dedication to this issue.

Organ donation is one of the most important issues before us today. Each year, thousands of donors and families make the important decision to give consent and give the gift of life. We must recognize and honor their sacrifice, and, in so honoring, work to increase donation rates and allow more families to receive this gift of life each year. Hundreds of my own patients are alive today because of this gift. Let us work together to allow more patients and families to experience this miracle.

I thank Senators DODD, HUTCHINSON, JEFFORDS and ENZI for joining me in this effort, and look forward to working with them and my other colleagues to pass this important legislation this year.

Mr. DODD. Mr. President, most of us know February 14 as Valentine's Day, but for the past few years, it has shared that date with another vitally important, and unfortunately less well-known, event: National Donor Day.

Thanks to the selflessness of thousands, February 14 has become our Nation's largest one-day donation event. On a day that celebrates giving the gift of life, we should make a commitment to increasing our donation rates and saving even more lives.

Today, I am pleased to introduce legislation with Senator BILL FRIST to do just that. The Organ Donation and Recovery Improvement Act will bring attention to this critical public health issue by increasing resources and coordinating efforts to improve organ donation and recovery. I am proud to be working with my friend and colleague, Senator FRIST, whose leadership and professional experience as a heart and lung transplant surgeon has been critical in making this issue a priority.

At this very moment, more than 80,000 people are waiting for an organ transplant, and one person is added to this list every thirteen minutes. This has increased from 19,095 people on waiting lists a decade ago. Unfortunately, the discrepancy between the need and the number of available of organs is growing exponentially. From 1999 to 2000 transplant waiting list grew by 10.2 percent, while the total increase in donation grew by 5.3 percent. Tragically, in 2000, approximately 5,500 wait-listed patients died waiting for an organ.

Undoubtedly, the task before us seems daunting. However, each person who makes the decision to donate can save as many as three lives. These are our mothers, fathers, brothers, sisters, friends. None of us wants to imagine the anguish of watching a family member or a friend wait for an organ transplant hoping that their name reaches the top of the list before their damaged organ fails or having to bear the emotional, physical, or financial costs of undergoing a transplant procedure. For those that do, and for all of those that will, we must improve and strengthen our systems of organ donation and recovery. We must also work to remove the barriers that stand in a donor's way as he or she seeks to help another person continue life. States need the resources to determine for themselves how best to increase donations and a vital part of increasing donations lies in education and public awareness initiatives.

We must work to improve the science of donation and recovery and address legal issues relating to donation, including consent. More than 20 states currently have registries that may prove indispensable in ensuring that we honor a donor's wishes. We should study the benefits, and potential shortcomings, of these arrangements and work to create a national sense of urgency that matches the national need for donors.

I would like to recognize the invaluable support and guidance we received, in drafting this bill, from the American Society of Transplantation, the American Liver Foundation, the Patient Access to Transplantation Coalition, North American Transplant Coordinators Organization, and the National Kidney Foundation. I would be remiss not to mention the Association of Organ Procurement Organizations and the OPOs nationwide that have worked so tirelessly to bridge the gap between the immense need and the inadequate supply. In my home state of Connecticut, we are well served by the tremendous work of the Northeast Organ Procurement Organization and the New England Donor Bank.

Finally, I look forward to working with my colleagues, including Senator KENNEDY, Senator GREGG and Senator DURBIN, whose commitment to this issue has been unparalleled. I urge Congress to take swift action on bipartisan legislation aimed at increasing organ donation and saving lives.

Mr. JEFFORDS. Mr. President, today, Valentine's Day, provides a wonderful opportunity for me to offer my support for the Organ Donation and Recovery Improvement Act. I commend my colleagues, Senator FRIST of Tennessee and Senator DODD of Connecticut, for their leadership and commitment to this important issue. Organ transplantation provides perhaps the clearest example where scientific research has been translated and applied to modern medicine. Not too many years ago organ transplantation was associated with inconsistent success and numerous complications. Today these procedures have advanced to the point where success is commonplace. Not only the duration of life, but the quality of life, is improved.

I have carried an organ donor card in my wallet for more than twenty-five years, and I am a long-time organ donation supporter. In my home State of

Vermont, Representative Johannah Donovan has introduced a bill to allow for the creation of a donor registry through the Department of Motor Vehicles. It is an excellent example of trying to make the organ donor process easier and more efficient. So, I am proud to join my colleagues as an original sponsor in this effort to increase organ donation at the national level. Even though great strides have been made in organ procurement and distribution, problems remain, and those issues are addressed by this legislation. This proposal would establish a federal inter-agency task force to coordinate organ donation efforts and transplant research; expand the Federal organ-donation grant authority and provide funds to educate lay professionals in issues surrounding organ donation; expand the Agency for Healthcare Research and Quality authority to review and improve organ recovery, preservation, and transplantation; provide for two important Institute of Medicine studies to review and document issues associated with live organ donation; and establish an advisory committee to make recommendations regarding costs, benefits, expansion, availability, and other issues involving transplantation.

In Vermont, we are fortunate to have Fletcher Allen Medical Center. This state-of-the-art institution provides quality transplantation services to the residents of my state and surrounding areas. However, despite a wonderful facility and a well-trained and experienced staff of health professionals, Fletcher Allen is limited, like all similar institutions, by the high demand for donor organs and the limited supply. This legislation will move us closer to the day when all individuals who would benefit from transplantation are able to receive appropriate care in a timely manner. I urge all of my colleagues to join me in supporting this important legislation.

By Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, and Mrs. BOXER):

S. 1951. A bill to provide regulatory oversight over energy trading markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today with Senators CANTWELL and WYDEN to make sure that all energy transactions are transparent and subject to regulatory oversight. With passage of this legislation, we can reinstate regulatory oversight to the marketplace and help ensure there is not a repeat of the energy crisis that had such a devastating impact on California and the West.

The Enron bankruptcy has uncovered many gaping holes in our regulatory structure, everything from accounting and investment practices to on-line energy transactions. Congress must take a look at all of this. The bill we are introducing today is a first step. The exemptions and exclusions to the 2000 Commodity Futures Modernization Act essentially gave EnronOnline, and the entire energy sector, the ability to operate a bilateral electronic trading forum absent any regulatory oversight or price transparency.

Let me give you an example of what that lack of transparency meant to California: On December 12, 2000, the price of natural gas on the spot market was $59 in southern California while it was $10 in nearby San Juan, NM. We know it costs less than $1 to transport gas from New Mexico to California because this was the cost when these transportation routes were transparent and regulated. So there was $48 unaccounted for that undoubtedly found its way into someone's pocket.

This problem lasted from November, 2000 to April, 2001, and all this time no one knew where all this money was going. The Senate Energy Committee looked at this issue last year but was not able to piece together all of what happened. In the wake of Enron's bankruptcy, however, we are beginning to learn a lot more. By controlling a significant number of energy transactions affecting California, some traders estimate that Enron controlled up to 50–70 percent of the natural gas transactions into southern California, and by trading in secret, Enron had the unique ability to manipulate prices and gouge customers. And the consumes, particularly those in California, ultimately bore the brunt of the costs. In fact, through the course of the crisis in California, the total cost of electricity soared from $7 billion in 1999 to $27 billion in 2000 and $26.7 billion in 2001.

A market does not function properly without transparency. Additionally, regulators need the authority and the tools to step in and do their jobs when markets have gone awry. This bill, then, is intended to close the regulatory loopholes that allowed EnronOnline to operate unregulated trading markets in secret. The Commodity Futures Modernization Act provided a regulatory exemption for bilateral transactions between sophisticated parties in nonagriculturual and nonfinancial commodities. This exclusion includes energy products and electronic trading forums. Because many of the EnronOnline transactions did not involve physical delivery, there was also no oversight by the Federal Energy Regulatory Commission. In determining which agency, FERC or the CFTC should have the proper authority, we are faced with two challenges: 1. FERC does not have the necessary expertise in derivative transactions; and 2. CFTC does not have the necessary expertise to protect consumers from out-of-control energy prices.

This bill tries to utilize the unique talents of each agency.

In summary, our legislation: 1. Repeals exemptions and exclusions provided for by the Commodity Futures Modernization Act of 2000; 2. ensures that energy dealers in derivatives markets (such as EnronOnline) cannot escape federal regulation; 3. makes sure that all multilateral markets and dealer markets in energy commodities are subject to registration, transparency, disclosure and reporting obligations; 4. gives FERC regulatory oversight authority over bilateral transactions not subject to CFTC oversight. Although CFTC would have antimanipulation authority over these transactions; 5. expands FERC jurisdiction to include derivatives transactions, which are defined to include transactions based on the cost of electricity or natural gas and include futures, options, forwards and swaps unless such transactions are under the jurisdiction of the CFTC or the state; and 6. Ensures that entities running on-line trading forums must maintain sufficient capital to carry out its operations and maintain open books and records for investigation and enforcement purposes.

This last point is also very important. Enron saw its future as a ''virtual'' company. As such it sold off many of its physical assets over the past few years. Investors lost confidence in Enron's ability to back up its trades since Enron did not have enough assets to back up its trades. This was a contributing factor in Enron's final spiral into bankruptcy.

Energy trading has gotten extremely arcane and complex over the last three decades. Very few people fully understand how swaps and other derivatives actually work. Without adequate transparency, regulatory oversight, and a regulatory agency willing to do its job, the likelihood is that consumers will pay the price. This is what happened in the California Energy Crisis and has happened with Enron. It would be unconscionable not to do everything we can to prevent the same thing from happening again.

By Mrs. BOXER (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, and Mr. BREAUX):

S. 1952. A bill to reacquire and permanently protect certain leases on the Outer Continental Shelf off the coast of California by issuing credits for new energy production in less environmentally sensitive areas in the Western and Central Planning Areas of the Gulf of Mexico; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, for decades, Californians have opposed oil and gas drilling along their coasts. Nothing sharpened this concern more than the horrific tanker spill that occurred off the coast of Santa Barbara in 1969. Californians are still living with the ecological implications of that spill and the myriad other spills and leaks associated with the rigs that are currently along our coast.

Unfortunately, 36 more leases off our coast remain eligible for oil and gas development and four additional leases remain in legal limbo.

That is the last thing Californians want or need.

California is now in a pitched legal battle with the Department of Interior over whether the State has the ability to deny these leases. I strongly support the State in this effort and have joined Representative Capps in filing an amicus brief in the case.

Every State should have the right to deny oil and gas development off their shores, as offshore activities inevitably impact the people and resources that are onshore. Last year, I reintroduced legislation, the Coastal States Protection Act, to place a moratorium on new drilling leases in Federal waters that are adjacent to State waters that have a drilling moratorium. That bill, however, addresses only the issue of future leases.

With regard to the existing leases off of California's coast, I am not completely confident that the courts will solve the problem. We must therefore act now to eliminate the threat, the threat to California's natural resources and the threat to our economy through losses in the tourism and fishing industries.

It is for this reason that I am proud to introduce today with my colleague Senator LANDRIEU, the California Coastal Protection and Louisiana Energy Enhancement Act.

Our bill would end the seemingly endless battle over the California leases and would permanently protect those areas from oil, gas, and mineral development.

Here's how it would work. Within 30 days of enactment, the Secretary of Interior would provide the oil companies holding the 40 California leases with a swap of equivalent value in the Gulf of Mexico. If all of the companies holding the California leases agree to this offer and agree to drop all pending litigation regarding those leases, then the California leases will be canceled, and the lessees will receive a credit equal to the amount paid for the leases plus the amount already spent to develop them.

These credits could be used only in the central and western Gulf, an area already open to drilling and open to further leasing. They could be used for bidding on new leases in that area or to pay royalty payments for existing drilling activities in that area.

The 40 tracts off of California's coast would then be converted to an ecological preserve, thus permanently protecting the areas from future mineral leasing and development. The tracts would be managed for the protection of traditional fishing activities as well as conservation, scientific, and recreational benefits.

I am very proud of this legislation, and this very promising proposal to end the imminent threat of additional drilling off California's coast. We have been very careful to make sure that these credits are designed in a way that will not promote new drilling in environmentally sensitive areas. Instead, these credits can only be used in non-controversial areas that have already been set aside for future development.

We have also been very careful to ensure that the Federal Government, and in turn, the Federal taxpayer are protected from any future claims by these companies regarding these leases.

And, I am very pleased to say that we have worked to ensure that the 40 California tracts will never again be threatened by offshore development.

In short, we get rid of unwanted drilling in California and permanently protect these sensitive areas. The oil companies are freed from a protracted legal battle and allowed to take their business elsewhere. And, the Federal Government is protected from expensive litigation that the companies are currently pursuing.

I believe that we have hit upon the proverbial win-win situation. And I look forward to having this bill became a reality soon.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1953. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1954. A bill to establish a demonstration project under the Medicare program under title XVIII of the Social Security Act to provide the incentives necessary to attract educators and clinical practitioners to underserved areas; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1955. A bill to amend title XVIII of the Social Security Act to require that the area wage adjustment under the prospective payment system for skilled nursing facility services be based on the wages of individual's employed at skilled nursing facilities; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to join with my colleague from Maine to introduce legislation to restore fairness to the Medicare program. This package of legislation will reduce regional inequalities in Medicare spending and support providers of high-quality, low-cost Medicare services.

Just about a month ago, I met with representatives of Wisconsin's hospitals, doctors, and seniors, who spoke passionately about how Medicare inequities have a real and serious impact on the lives of Wisconsin seniors, and on health care providers in my State. Wisconsin seniors and providers came to me with these concerns, and this legislation is a direct result of their advocacy. I thank them for their efforts.

I also want to thank my colleague from Maine, who has joined me on a number of health care initiatives that address the mutual concerns of our constituents. I am grateful for her efforts on health care issues that concern both of our States, such as home health care, access to emergency services, and this legislation on Medicare fairness.

The Medicare program should encourage the kind of high-quality, cost-effective Medicare services that we have in Wisconsin and Maine. But unfortunately, that's not the case.

To give an idea of how inequitable the distribution of Medicare dollars is, imagine identical twins over the age of 65. Both twins worked at the same company all their lives, at the same salary, and paid the same amount to the Federal Government in payroll taxes, the tax that goes into the Medicare Trust Fund. But if one twin retired to another part of the country and the other retired in Wisconsin, they would have vastly different health care options under the Medicare system.

The high Medicare payments in some areas allow Medicare beneficiaries a wide array of options, they can choose between an HMO or traditional fee-for-service plan, and, because area health care providers are reimbursed at such a high rate, those providers can afford to offer seniors a broad range of health care services. The twin in Wisconsin, however, would not have the same access to care, there is no option to choose an HMO, and there are fewer health care agencies that can afford to provide care under the traditional fee-for-service plan.

How can two people with identical backgrounds, who paid the same amount in payroll taxes, have such different options under Medicare?

They do, because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and many other states around the country. Too many Americans in Wisconsin and other States like it pay just as much in taxes as everyone else, but the Medicare funds they get in return don't come close to matching the money they pay in to the program.

Wisconsin has a lot of company in this predicament. More than 35 States are below the national average in terms of per beneficiary Medicare spending. In some States, such as Wyoming and Idaho, Medicare spends almost $2,000 less per beneficiary than the national average.

While there are different reasons for this wide range in Medicare payments, their result is often the same, higher private sector insurance costs and a loss of access to care. In Milwaukee WI, there are reports that lower Medicare reimbursement rates often causes costs to shift to the private sector. In rural parts of Wisconsin, these low reimbursement rates jeopardize access to health care services.

In the case of my home State of Wisconsin, low payment rates are in large part a result of health care proviers' historically high-quality, cost-effective health care. In the early 1980s, Wisconsin's lower-than-average cost were used

to justify lower payment rates. Since that time, Medicare's payment policies have only widened the gap between low- and high-cost States.

This package of legislation will take us a step in the right direction by reducing the inequities in Medicare payments to hospitals, physicians, and skilled nursing facilities that the majority of States across the country now face.

At the same time, our proposal would establish pilot programs to encourage high-quality, cost-effective Medicare practices. Our proposal would reward providers who deliver higher quality at lower cost. It would also require that the pilot States create a plan to increase the amount of providers providing high quality, cost-effective care to Medicare beneficiaries.

This legislation would also help to address the unique workforce needs of urban and very rural areas by encouraging clinical rotations in those areas. These rotations could help focus a workforce on the specific challenges facing these areas, so that they can deliver care that serves the unique needs that they have.

Congress must modernize Medicare. But it must also restore basic fairness to the Medicare program.

My legislation demands Medicare fairness for Wisconsin and other affected States, plain and simple. Medicare shouldn't penalize high-quality providers of Medicare services, and most of all Medicare should stop penalizing seniors who depend on the program for their health care. They have worked hard and paid into the program all their lives, and in return they deserve full access to the wide range of benefits that Medicare has to offer.

I look forward to working with my colleagues to move this legislation forward. I believe that we can rebalance the budget, while at the same time encouraging efficient, quality enhancing services, and that's what my legislation sets out to do.

Mr. KOHL. Mr. President, I rise today in strong support of the Medicare Value and Quality Demonstration Act, the Physician Wage Fairness Act, the Graduate Medical Education Demonstration Act, and the Skilled Nursing Facility Wage Information Improvement Act. I am proud to cosponsor this package of legislation that will finally begin to address the grossly distorted Medicare reimbursement system, which penalizes health care providers in States like Wisconsin for being efficient as they provide high-quality care, and penalizes seniors in Wisconsin by delivering fewer benefits than seniors in other States receive. I want to commend Senator FEINGOLD and Senator COLLINS for their hard work and commitment to fixing this problem, and I am proud to join them as an original cosponsor in this effort.

This issue points to a basic question of fairness. The current Medicare reimbursement system is extremely unfair for Wisconsin. Because Wisconsin has been successful in holding down health care costs, current Medicare payment rates are very low in comparison to higher cost States, like Florida and California. In other words, the current system effectively punishes Wisconsin providers for being more efficient, and puts Medicare beneficiaries in Wisconsin at an unfair disadvantage compared to beneficiaries in other States.

This system has to change. My constituents in Wisconsin pay the same Medicare payroll tax as people in other States. They suffer from the same illnesses; they need the same treatments; they see the same types of health providers. Yet Wisconsin Medicare beneficiaries receive on average $3,795 in Medicare benefits per year, the eighth lowest in the country. That's 25 percent below the national average of $5,034. A study conducted by the Rural Wisconsin Health Cooperative found that this costs Wisconsin nearly a billion dollars each year in Medicare dollars lost.

There is simply no logical reason why Wisconsin doctors, hospitals, nursing homes, and ultimately, Wisconsin beneficiaries, should receive less reimbursement and fewer Medicare benefits than other States receive. And there is no logical reason why Medicare tax dollars paid by Wisconsinites should instead be used to pay higher rates to providers and greater benefits to beneficiaries in other States.

And this system isn't just bad for seniors on Medicare. The current system also has major consequences for businesses and non-Medicare patients in Wisconsin. When Medicare reimbursement to hospitals or nursing homes or doctors is inadequate, somebody has to make up the difference in order for these providers to stay afloat. This means that Wisconsin employers who provide health insurance for their employees, and patients who pay all or part of their health care bills, must pay higher prices and premiums to make up the shortfall. This is unfair to all of Wisconsin's citizens and exacerbates the problem of rising health care costs.

We should all be outraged by a system that treats seniors in some States like second-class citizens. Congress must stop sanctioning the current system, which penalizes Medicare beneficiaries based on where they live, penalizes providers for being efficient, and rewards providers that do not do their part to hold the line on costs. This backward system simply makes no sense.

The package of bills introduced today will finally begin to turn this system around and ensure that health care providers in Wisconsin and similarly affected States are adequately reimbursed and rewarded for providing high quality, cost-effective care. It will eliminate outdated and inaccurate data that is currently used to determine Medicare's flawed payment rates. And most importantly, it will help level the playing field for seniors in Wisconsin by helping to ensure that they have access to the same benefits as seniors in other States.

First, the Skilled Nursing Facility Wage Information Improvement Act will create a reimbursement system for nursing homes that is actually based on accurate nursing home data. This would seem to be common sense; yet the current formula for determining Medicare nursing home payments is based on hospital wage data that is inaccurate and discriminates against many States like Wisconsin. The Centers for Medicare and Medicaid Services, CMS, is now compiling nursing home wage data but as of yet has not finalized a plan to utilize it. This bill would set October 1, 2002 as the date for which CMS must incorporate the nursing home data.

Second, the Medicare Value and Quality Demonstration Act would begin to reverse the backward incentive structure in today's Medicare system. Medicare currently penalizes low-cost, high-quality States and health care providers by delivering inadequate reimbursement for their services. It just makes no sense to penalize providers who are working hard to be cost-effective and provide high-quality care at the same time. This second bill would create 4 demonstration projects to provide bonus incentive payments to high-quality, low-cost hospitals and doctors in the demonstration States. These States would also have to implement a plan to encourage more of their providers to deliver low-cost, high-quality care.

Third, the Physician Wage Fairness Act would correct a flaw in the payment system for physicians. The current physician payment formula includes a geographic adjustor that is outdated. Many studies now point to the fact that the labor market for health professionals is actually a national labor market and therefore, a geographic adjustor simply does not match today's reality. This bill would eliminate the geographic adjustor and bring the physician payment formula up to date. Wisconsin's physicians stand to gain $8 million more in Medicare reimbursement with passage of this legislation.

Finally, the Graduate Medical Education Demonstration Act would help address the issue of shortages of health professionals in underserved areas. It allows the HHS Secretary to use Medicare Graduate Medical Education funds to create a program to give providers in underserved areas financial incentives to attract educators and clinical practitioners.

This package of legislation is not the end of the story when it comes to fixing Medicare's current flawed payment system. In addition to this package, for the past 2 years I have been a cosponsor of the Medicare Fairness in Reimbursement Act, introduced by Senators HARKIN and CRAIG. This bill also works to level the playing field between high payment States and low payment

States, with a particular emphasis on improving reimbursement rates for rural areas. And I look forward to continuing to work with Senator FEINGOLD and Senator COLLINS on additional legislation that will deal with the complicated problems of hospital reimbursement and Medicare + Choice.

But these bills are an important first step toward fixing a system that is not just unfair to my State; it is inaccurate, outdated, and creates perverse incentives for inefficient providers.

Many of us in the Congress are working to update Medicare and modernize its structure to fit today's health care system. It is critical that we add a prescription drug benefit for seniors so they don't have to choose between taking their medicine and eating their next meal. It makes sense to add more preventive benefits to keep seniors healthy at the start rather than only treating illnesses when they become more serious. I strongly support these efforts and hope that Congress will act this year. But if we don't also fix the inequities in Medicare's payment system, these new benefits could also turn out to be inequitable for Wisconsin's seniors. This is an issue that must be addressed if Congress is serious about passing real Medicare reform.

Again, I want to commend Senators FEINGOLD and COLLINS for their hard work on this package. I look forward to working with them as Medicare reform moves forward.

By Mr. KOHL (for himself, Mr. HATCH, Mr. SCHUMER, and Ms. CANTWELL):

S. 1956. A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Safe Explosives Act. This legislation will help prevent the criminal use and accidental misuse of explosive materials.

The events of September 11 have tragically demonstrated how good terrorists are at seeking out loopholes in our Nation's defenses. Law enforcement, now more than ever, must be several steps ahead of these criminals.

Most Americans would be stunned to learn that in some States it is easier to get enough explosives to take down a house than it is to buy a gun, get a drivers' license, or even obtain a fishing license. Currently, it is far too easy for would-be terrorists and criminals to obtain explosive materials. Although permits are required for interstate purchases of explosives, there are no current uniform national limitations on the purchase of explosives within a single state by a resident of that State. As a result, a patchwork quilt of State regulations covers the intrastate purchase of explosive materials. In some States, anyone can walk into a hardware store and buy plastique explosives or a box of dynamite. No background check is conducted, and no effort is made to check whether the purchaser knows how to properly use this deadly material. In at least 12 States, there are little to no restrictions on the intrastate purchase of explosives.

Since September 11, the threat of a terrorist attack involving explosives is more real than ever. As Richard Reid, the so-called ''shoe bomber,'' recently demonstrated when he tried to take down a Boeing 767 en route from Paris to Miami, terrorists are actively trying to use explosives in pursuit of their aims. We must be more vigilant in overseeing the purchase and possession of explosives if we ever hope to prevent future potential disasters.

The Safe Explosives Act would close the deadly loophole in our current laws by requiring people who want to acquire and possess explosive materials to obtain a permit. This measure would significantly reduce the availability of explosives to terrorists, felons, and others prohibited by current federal law from possessing dangerous explosives.

Let me elaborate on what the proposal does. As I said, under current law anyone who is involved in interstate shipment, purchase, or possession of explosives must have a Federal permit. This legislation creates the same requirement for intrastate purchases. It calls for two types of permits for these intrastate purchasers: user permits and limited user permits. The user permit lasts for 3 years and allows unlimited explosives purchases. The limited user permit also expires after 3 years, but only allows six purchases per year. We created this two-tier system so that low-volume users would not be burdened by regulations. The limited permit, like the user permit, imposes commonsense rules such as a background check, monitoring of explosives purchases, secure storage, and report of sale or theft of explosives. However, the Safe Explosives Act does not subject the limited user to the record keeping requirements currently required for full permit holders.

In addition to creating the permit system, our measure makes some commonsense addition to the classes of people who are barred from buying or possessing explosives. Current Federal explosives law prohibits certain people from purchasing or possessing explosives. The list of people barred is roughly parallel to those prohibited by Federal firearms law. For example, convicted felons are not allowed to buy guns or explosives. However, while current law bars nonimmigrant aliens from buying guns, they are not prohibited from buying explosives. That makes no sense. The Safe Explosives Act would stop nonimmigrant aliens from being able to buy explosives. Since we now know that several of the September 11 terrorists were nonimmigrant aliens, and that sleeper terrorist cells made up of nonimmigrant aliens have been operating within U.S. borders for number of years, this provision is especially important.

In addition, the Safe Explosives Act improves the public's safety by requiring permit holders to adhere to proper storage and safety regulations. These provisions will help ensure the safety of explosives handlers and prevent accidental or criminal detonation of explosives. Sadly, each year, many people are seriously injured or killed by misuse and criminal use of explosives. For example, in 1997, there were 4,777 explosives incidents, killing 27 and injuring 164 people, and resulting in more than $7.3 million in property damage. Our proposal will help reduce these numbers.

This measure strikes a reasonable balance between stopping dangerous people from getting explosives and helping legitimate users obtain and possess explosives. Most large commercial users already have explosives permits because they engage in interstate explosives transport. These users would not be significantly affected by our legislation. The low-volume users will be able to quickly and cheaply get a limited permit. And high-volume intrastate purchasers who are running businesses that require explosives should easily be able to get an unlimited user permit. Also, the measure will not affect those who use black or smokeless powder for recreation, as the legislation does not change current regulations on those particular materials.

Our goal is simple. We must take all possible steps to keep deadly explosives out of the hands of dangerous individuals seeking to threaten our livelihood and security. The Safe Explosives Act is critical legislation, supported by the administration. It is designed solely to the interest of public safety. It will significantly enhance our efforts to limit the proliferation of explosives to would be terrorists and criminals. It will close a loophole that could potentially cause mass destruction of property and life. I hope my colleagues will support our efforts to pass this vital law. Thank you.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be referred to as the ''Safe Explosives Act''.

SEC. 2. PERMITS FOR PURCHASERS OF EXPLOSIVES.

(a) DEFINITIONS.—Section 841(j) of title 18, United States Code, is amended to read as follows:

''(j) 'Permittee' means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited permit under the provisions of this chapter.''.

(b) PERMITS FOR PURCHASE OF EXPLOSIVES.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by striking ''and'' at the end;

(2) by striking subsection (a)(3) and inserting the following:

''(3) other than a licensee or permittee knowingly—

''(A) to transport, ship, cause to be transported, or receive any explosive materials; or

''(B) to distribute explosive materials to any person other than a licensee or permittee; or

''(4) who is a holder of a limited permit—

''(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials; or

''(B) to receive explosive materials from a licensee or permittee, whose premises are located within the State of residence of the limited permit holder, on more than 6 separate occasions, pursuant to regulations implemented by the Secretary.'';

(3) by striking subsection (b) and inserting the following:

''(b) It shall be unlawful for any licensee or permittee knowingly to distribute any explosive materials to any person other than—

''(1) a licensee;

''(2) a holder of a user permit; or

''(3) a holder of a limited permit who is a resident of the State where distribution is made and in which the premises of the transferor are located.''; and

(4) in the first sentence of subsection (f), by inserting '', other than a holder of a limited permit,'' after ''permittee''.

(c) LICENSES AND USER PERMITS.—Section 843(a) of title 18, United States Code, is amended—

(1) by inserting ''or limited permit'' after ''user permit'' in the first sentence;

(2) by inserting before the period at the end of the first sentence the following: '', including the names of and appropriate identifying information regarding all employees who will handle explosive materials, as well as fingerprints and a photograph of the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association)''; and

(3) by striking the third sentence and inserting ''Each license or user permit shall be valid for no longer than 3 years from the date of issuance and each limited permit shall be valid for no longer than 1 year from the date of issuance. Each license or permit shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit and upon payment of a renewal fee not to exceed one-half of the original fee.''.

(d) CRITERIA FOR APPROVING LICENSES AND PERMITS.—Section 843(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end; and

(3) by adding at the end the following:

''(6) none of the employees of the applicant who will possess explosive materials in the course of their employment with the applicant is a person whose possession of explosives would be unlawful under section 842(i) of this chapter; and

''(7) in the case of a limited permit, the applicant has certified in writing that the applicant will not receive explosive materials on more than 6 separate occasions during the 12-month period for which the limited permit is valid.''.

(e) INSPECTION AUTHORITY.—Section 843(f) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''permittees'' and inserting ''holders of user permits''; and

(B) by inserting ''licensees and permittees'' before the words ''shall submit''; and

(2) in the second sentence, by striking ''permittee'' the first time it appears and inserting ''holder of a user permit''.

(f) POSTING OF PERMITS.—Section 843(g) of title 18, United States Code, is amended by inserting ''user'' before ''permits''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 3. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVE MATERIALS.

(a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''or who has been committed to a mental institution;''; and

(3) by adding at the end the following:

''(7) is an alien, other than an alien who is lawfully admitted for permanent residence (as defined in section 101 (a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);

''(8) has been discharged from the armed forces under dishonorable conditions; or

''(9) having been a citizen of the United States, has renounced the citizenship of that person.''.

(b) POSSESSION OF EXPLOSIVE MATERIALS.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking ''or'' at the end; and

(2) by inserting after paragraph (4) the following:

''(5) who is an alien, other than an alien who is lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);

''(6) who has been discharged from the armed forces under dishonorable conditions; or

''(7) who, having been a citizen of the United States, has renounced the citizenship of that person.''.

(c) DEFINITION.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(q) PROVISIONS RELATING TO LEGAL ALIENS.—

''(1) DEFINITION.—In this subsection, the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

''(2) EXCEPTIONS.—Subsections (d)(7) and (i)(5) do not apply to any alien who—

''(A) is in lawful nonimmigrant status, is a refugee admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or is in asylum status under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);

''(B) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business;

''(C) is a person having the authority to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed pursuant to section 843(a), and the shipping, transporting, possessing, or receiving of explosive materials relates to that authority; or

''(D) is a member of a North Atlantic Treaty Organization (NATO) or other friendly foreign military force (whether or not admitted in a nonimmigrant status) who is present in the United States under military orders for training or other authorized purpose, and the shipping, transporting, possessing, or receiving explosive materials is in furtherance of the military purpose.''.

''(3) WAIVER.—

''(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5) if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

''(ii) the Attorney General approves the petition.

''(B) PETITION.—Each petition submitted in accordance with subparagraph (A) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5), otherwise be prohibited from such an acquisition under subsection (i).

''(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph if the Attorney General determines that waiving the requirements of subsection (i)(5) with respect to the petitioner—

''(i) would be in the interests of justice; and

''(ii) would not jeopardize the public safety.''.

SEC. 4. REQUIREMENT TO PROVIDE SAMPLES OF EXPLOSIVE MATERIALS AND AMMONIUM NITRATE.

Section 843 of title 18, United States Code, is amended by adding at the end the following:

''(h) FURNISHING OF SAMPLES.—

''(1) IN GENERAL.—Licensed manufacturers and licensed importers and persons who manufacture or import explosive materials or ammonium nitrate shall, when required by letter issued by the Secretary, furnish—

''(A) samples of such explosive materials or ammonium nitrate;

''(B) information on chemical composition of those products; and

''(C) any other information that the Secretary determines is relevant to the identification and classification of the explosive materials or to identification of the ammonium nitrate.

''(2) REIMBURSEMENT.—The Secretary may, by regulation, authorize reimbursement of the fair market value of samples furnished pursuant to this subsection, as well as the reasonable costs of shipment.''.

SEC. 5. DESTRUCTION OF PROPERTY OF INSTITUTIONS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 844(f)(1) of title 18, United States Code, is amended by inserting before the word ''shall'' the following: ''or any institution or organization receiving Federal financial assistance,''.

SEC. 6. RELIEF FROM DISABILITIES.

Section 845(b) of title 18, United States Code, is amended to read as follows:

''(b) RELIEF FROM DISABILITIES.—

''(1) IN GENERAL.—A person who is prohibited from possessing, shipping, transporting, receiving purchasing, importing, manufacturing, or dealing in explosive materials may make application to the Secretary for relief from the disabilities imposed by Federal law with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of explosive materials, and the Secretary may grant that relief, if it is established to the satisfaction of the Secretary that—

''(A) the circumstances regarding the disability, and the record and reputation of the applicant are such that the applicant will not be likely to act in a manner dangerous to public safety; and

''(B) that the granting of the relief will not be contrary to the public interest.

''(2)PETITION FOR JUDICIAL REVIEW.—Any person whose application for relief from disabilities under this section is denied by the Secretary may file a petition with the United States district court for the district in which that person resides for a judicial review of the denial.

''(3) ADDITIONAL EVIDENCE.—The court may, in its discretion, admit additional evidence where failure to do so would result in a miscarriage of justice.

''(4) FURTHER OPERATIONS.—A licensee or permittee who conducts operations under this chapter and makes application for relief from the disabilities under this chapter, shall not be barred by that disability from further operations under the license or permit of that person pending final action on an application for relief filed pursuant to this section.

''(5) NOTICE.—Whenever the Secretary grants relief to any person pursuant to this section, the Secretary shall promptly publish in the Federal Register, notice of that action, together with reasons for that action.''.

SEC. 7. THEFT REPORTING REQUIREMENT.

Section 842 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

''(r) THEFT REPORTING REQUIREMENT.—

''(1) IN GENERAL.—A holder of a limited user permit who knows that explosive materials have been stolen from that user, shall report the theft to the Secretary not later than 24 hours after the discovery of the theft.

''(2) PENALTY.—A holder of a limited user permit who does not report a theft in accordance with paragraph (1), shall be fined not more than $10,000, imprisoned not more than 5 years, or both.''.

SEC. 8. APPLICABILITY.

Nothing in this Act shall be construed to affect the exception in section 845(a)(4) (relating to small arms ammunition and components of small arms ammunition) or section 845(a)(5) (relating to commercially manufactured black powder in quantities not to exceed 50 pounds intended to be used solely for sporting, recreational, or cultural purposes in antique firearms) of title 18, United States Code.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 210—DESIGNATING FEBRUARY 14, 2002, AS ''NATIONAL DONOR DAY''

Mr. DURBIN (for himself, Mr. DEWINE, Mr. FRIST, Mr. KENNEDY, Mr. TORRICELLI, Ms. COLLINS, Mr. BREAUX, Mr. WELLSTONE, Mr. BIDEN, Mr. INOUYE, Mr. KOHL, Ms. LANDRIEU, Mr. SPECTER, Mr. JOHNSON, Mr. DORGAN, Mr. CLELAND, Mr. GRAHAM, Mr. DODD, Mr. ENZI, Mr. LEVIN, Mr. KERRY, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 210

Whereas more than 80,000 individuals await organ transplants at any given moment;

Whereas another man, woman, or child is added to the national organ transplant waiting list every 13 minutes;

Whereas despite progress in the last 16 years, more than 16 people die each day because of a shortage of donor organs;

Whereas almost everyone is a potential donor of organs, tissue, bone marrow, or blood;

Whereas transplantation has become an element of mainstream medicine that prolongs and enhances life;

Whereas for the fifth consecutive year, a coalition of health organizations is joining forces for National Donor Day;

Whereas the first 3 National Donor Days raised a total of nearly 30,000 units of blood, added more than 6,000 potential donors to the National Marrow Donor Program Registry, and distributed tens of thousands of organ and tissue pledge cards;

Whereas National Donor Day is America's largest 1-day organ, tissue, bone marrow, and blood donation event; and

Whereas a number of businesses, foundations, and health organizations and the Department of Health and Human Services have designated February 14, 2002, as National Donor Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideas of National Donor Day;

(2) encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2878. Mr. DURBIN (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2879. Mr. REID (for himself, Mr. SPECTER, and Mr. FEINGOLD) proposed an amendment to the bill S. 565, supra.

SA 2880. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2881. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2882. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2883. Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2884. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2885. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2886. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2887. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2888. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2889. Mr. LIEBERMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2890. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2891. Mr. KYL proposed an amendment to the bill S. 565, supra.

SA 2892. Mr. MCCONNELL proposed an amendment to amendment SA 2891 proposed by Mr. KYL to the bill (S. 565) supra.

SA 2893. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2894. Mr. HOLLINGS (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2895. Mr. DURBIN (for himself, Mr. NELSON, of Florida, and Mr. GRAHAM) proposed an amendment to the bill S. 565, supra.

SA 2896. Mr. DASCHLE proposed an amendment to the bill H.R. 3090, to provide tax incentives for economic recovery.

SA 2897. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2898. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2899. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2900. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2901. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2904. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 565, supra.

SA 2905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2906. Mrs. CLINTON proposed an amendment to the bill S. 565, supra.

SA 2907. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2908. Mr. MCCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, supra.

SA 2909. Mr. MCCONNELL (for Mr. GREGG) proposed an amendment to the bill S. 565, supra.

SA 2910. Mr. MCCONNELL (for Mr. MCCAIN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 565, supra.

SA 2911. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2912. Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, supra.

SA 2913. Mr. DODD (for Mr. HARKIN (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 565, supra.

SA 2914. Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, supra.

SA 2915. Ms. COLLINS (for herself, Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON, of Nebraska, and Mr. NICKLES) submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2878. Mr. DURBIN (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, line 9, strike through page 5, line 7, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system may meet the requirements of subparagraph (A) by—

SA 2879. Mr. REID (for himself, Mr. SPECTER, and Mr. FEINGOLD) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end, add the following:

TITLE V—CIVIC PARTICIPATION

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(2) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(3) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(4) An estimated 3,900,000 individuals in the United States, or 1 in 50 adults, currently cannot vote as a result of a felony conviction. Women represent about 500,000 of those 3,900,000.

(5) State disenfranchisement laws disproportionately impact ethnic minorities.

(6) Fourteen States disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(7) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(8) In 8 States, a pardon or order from the Governor is required for an ex-offender to regain the right to vote. In 2 States, ex-offenders must obtain action by the parole or pardon board to regain that right.

(9) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. In at least 16 States, Federal ex-offenders cannot use the State procedure for restoring their voting rights. The only method provided by Federal law for restoring voting rights to ex-offenders is a Presidential pardon.

(10) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(11) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(12) The discrepancies described in this subsection should be addressed by Congress, in the name of fundamental fairness and equal protection.

(b) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

SEC. 502. DEFINITIONS.

In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ''correctional institution or facility'' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ''Federal office'' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term ''parole'' means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term ''probation'' means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

SEC. 503. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense.

SEC. 504. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) NOTICE.—A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) ACTION.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice provided under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court

to obtain the declaratory or injunctive relief with respect to the violation.

(3) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under paragraph (1) before bringing a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

SEC. 505. RELATION TO OTHER LAWS.

(a) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this title shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this title.

(b) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this title shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

SA 2880. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 22 and all that follows through line 13 on page 6, and insert the following:

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—The voting system shall—

(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(ii) except as provided in subparagraph (B), satisfy the requirement of clause (i) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(iii) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007.

(B) ACCESS TO VOTING SYSTEMS IN RURAL AREAS.—The requirement of subparagraph (A)(ii) shall not apply to a city, town, or unincorporated area in a State if—

(i) pursuant to the most recent Decennial Census (including any supplemental surveys thereto), the city, town, or area is determined to have a population of less than 50,000 inhabitants (other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a populations in excess of 50,000 inhabitants); and

(ii) the State submits, as part of the State plan submitted under section 202, a plan demonstrating that individuals with disabilities in the city, town, or unincorporated areas involved will be permitted to vote through the use of—

(I) direct recording electronic voting systems or other voting systems equipped for individuals with disabilities that are located at the office of each county clerk within the areas involved, or the office of each chief election official with jurisdiction over the areas involved, and that are available to such individuals during normal business hours for the entire period in which absentee ballots for the election involved are permitted to be submitted; or

(II) other voting systems determined to be appropriate to provide voting accessibility to individuals with disabilities.

SA 2881. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 14 through 16, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 8 and 9, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

SA 2882. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2002 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following: ''Nothing in this subsection shall be construed to limit a State's ability to provide for additional requirements for the casting, challenging, and counting of provisional ballots, including requirements for identification and allowing third parties to challenge voter eligibility. States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.''

SA 2883. Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2002 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 1(a) to read as follows:

(a) SHORT TITLE.—This Act may be cited as the ''Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2001''.

SA 2884. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 103(b)(3)(B) to read as follows:

(B) who is—

(i) an absent uniformed services voter or an overseas voter, as defined in section 107 of the Uniform and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6);

(ii) a handicapped or elderly voter, as defined in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee—6); or

(iii) described in a subparagraph of section 6(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg—4(c)(2)).

SA 2885. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 7 and 8, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security, the Attorney General, and the Commissioner of the Immigration and Naturalization Service shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State or locality. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The records under clause (i) shall be provided in such place and such manner as the applicable agency head determines appropriate to protect and prevent the misuse of information.

(iii) DUPLICATIVE INFORMATION.—If a State or locality is provided with access to applicable records under clause (i), any other State or locality may access such records through the State or locality that had access to the records under such clause.

(B) APPLICABLE RECORDS.—For purposes of this subsection, the term ''applicable records'' means—

(i) in the case of the Social Security Administration, information needed to verify—

(I) the social security number of an individual; or

(II) whether such individual is shown on the records of the Commissioner of Social Security as being alive or deceased;

(ii) in the case of the Immigration and Naturalization Service, information needed to verify whether or not an individual is a citizen of the United States or lawfully admitted for permanent residence; and

(iii) in the case of the Attorney General, information regarding felony convictions of individuals.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the applicable agency head determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

SA 2886. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title prior to the date on which funds are appropriated pursuant to the authorization contained in section 209.

SA 2887. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: '', except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.''.

SA 2888. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. MINIMUM STANDARDS FOR WHAT CONSTITUTES A VOTE.

(a) IN GENERAL.—The chief State election official of each State shall certify in writing to the Election Administration Commission that the State has enacted legislation that establishes uniform standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(b) METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.—The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a) shall be left to the discretion of the State.

(c) ENFORCEMENT.—

(1) REPORT BY COMMISSION TO ATTORNEY GENERAL.—If a State does not provide a certification under subsection (a) to the Election Administration Commission, or if the Commission has credible evidence that a State's certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General.

(2) ACTION BY ATTORNEY GENERAL.—After receiving notice from the Commission under paragraph (1), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to remedy a violation of this section.

(d) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this section, the term ''chief State election official'' means, with respect to a State, the individual designated by that State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

(e) GRANTS.—

(1) IN GENERAL.—The Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program established by section 201(a) is authorized to make grants, in the manner described in subtitle A of title II, to States and localities to pay the costs of activities necessary to meet the requirements of this section.

(2) STATE PLANS.—A State plan under section 202 shall include a description of how the State will use the funds made available under subtitle A of title II to meet the requirements of this section.

(3) AUTHORIZED ACTIVITIES.—A State or locality may use grant payments received under subtitle A of title II to meet the requirements of this section.

(4) RETROACTIVE PAYMENTS.—The Attorney General may make retroactive payments to States and localities having an application approved under section 203 for any costs for activities necessary to meet the requirements of this section that were incurred during the period referred to in section 206(b).

(f) EFFECTIVE DATE.—The requirements of this section shall take effect upon the expiration of the 2-year period which begins on the date of enactment of this Act, except that if the chief State election official of a State certifies that good cause exists to waive the requirements of this section with respect to the State until the date of the regularly scheduled general election for Federal office held in November 2004, the requirements shall apply with respect to the State beginning on the date of such election.

SEC. ___. STUDIES AND REPORTS ON STATE RECOUNT AND CONTEST PROCEDURES.

(a) STUDIES.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission'') shall conduct periodic studies that systematically examine the laws and procedures used by States that govern—

(A) recounts of ballots cast in elections for Federal office; and

(B) contests of determinations regarding whether votes are counted in such elections.

(2) ISSUES.—As part of the study conducted under paragraph (1), the Commission shall—

(A) identify the best practices used by States with respect to the recounts and contests described in paragraph (1); and

(B) study whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(b) REPORTS TO THE PRESIDENT AND CONGRESS.—The Commission shall submit to the President and Congress a report on each study conducted under subsection (a)(1) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(c) RECOMMENDATIONS TO THE STATES.—

(1) REPORTS TO STATES.—If the Commission determines that the laws or procedures of a State with respect to the recounts and contests described in subsection (a)(1) could be improved, the Commission shall submit to the chief executive of that State a report that—

(A) identifies the best practices used by States with respect to such recounts and contests; and

(B) recommends ways in which the laws or procedures of that State with respect to such recounts and contests could be improved based on such practices.

(2) FOLLOW-UP REPORTS TO STATES.—Not later than 1 year after the Commission submits a report under paragraph (1), the Commission shall, after consulting with State and local election officials of the State to which the report was submitted, issue a follow-up report to the chief executive of that State describing the progress of the State in implementing the recommendations of the Commission, or (if applicable), the reasons that the State is not implementing such recommendations.

SA 2889. Mr. LIEBERMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, the community of American citizens who are residents of the District constituting the seat of Government of the United States shall have full voting representation in Congress.

SEC. ___. EXEMPTION FROM TAX FOR INDIVIDUALS WHO ARE RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 138 the following new section:

''SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.

''(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—This section shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and the Senate by individuals who are elected by the voters of the District and who have the same voting rights in the House of Representatives and the Senate as Members who represent States.

''(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

''(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

''(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, income which is attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

''(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

''(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

''(B) any credit,

properly allocable or chargeable against amounts excluded from gross income under this subsection.

''(d) DETERMINATION OF RESIDENCY.—

''(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

''(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.''.

(b) NO WAGE WITHHOLDING.—Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

''(E) for services for an employer performed by an employee if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or''.

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

''Sec. 138A. Residents of the District of Columbia.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

SA 2890. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Employee Voter Assistance Act of 2002''.

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

''§ 6329. Leave for poll worker service

''(a) In this section, the term—

''(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

''(2) 'political appointee' means any individual who—

''(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

''(B) is employed in a position on the executive schedule under sections 5312 through 5316;

''(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

''(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

''(3) 'poll worker service'—

''(A) means—

''(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

''(ii) training before or on that date to perform service described under clause (i); and

''(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

''(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

''(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

''(2) Leave under this section—

''(A) shall be in addition to any other leave to which an employee is otherwise entitled;

''(B) may not exceed 3 days in any calendar year; and

''(C) may be used only in the calendar year in which that leave is granted.

''(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

''(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

''6329. Leave for poll worker service.''.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

SA 2891. Mr. KYL proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

''(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

''(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

''(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Equal Protection of Voting Rights Act of 2002 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.''.

SA 2892. Mr. MCCONNELL proposed an amendment to amendment SA 2891 proposed by Mr. KYL to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of the amendment, add the following:

(b) CONSTRUCTION.—Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

SA 2893. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locally shall be required to meet a requirement of this title prior to the date on which funds are appropriated at the full authorized level contained in section 209.

SA 2894. Mr. HOLLINGS (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ELECTION DAY HOLIDAY STUDY.

(a) IN GENERAL.—In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment, shall provide a detailed report to the Congress on the merits of establishing an election day holiday, including options for holding elections for Federal offices on an existing legal public holiday such as Veterans Day, as proclaimed by the President.

(b) FACTORS CONSIDERED.—In conducting that study, the Commission shall take into consideration the following factors:

(1) Only 51 percent of registered voters in the United States turned out to vote during the November 2000 Presidential election—well-below the worldwide turnout average of 72.9 percent for Presidential elections between 1999 and 2000. After the 2000 election, the Census Bureau asked thousands of nonvoters why they did not vote. The top reason for not voting, given by 22.6 percent of the respondents, was that they were too busy or had a conflicting work or school schedule.

(2) One of the recommendations of the National Commission on Election Reform led by former President's Carter and Ford is ''Congress should enact legislation to hold presidential and congressional elections on a national holiday''. Holding elections on the legal public holiday of Veterans Day, as proclaimed by the President and observed by the Federal government, would allow election day to be a national holiday without adding the cost and administrative burden of an additional holiday.

(3) Holding elections on a holiday or weekend could allow more working people to vote more easily. It could increase the pool of available poll workers and make public buildings more available for use as polling places.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Some have argued against weekend voting because people of many faiths would have a religious objection to such civic participation on the Sabbath.

SA 2895. Mr. DURBIN (for himself, Mr. NELSON of Florida, and Mr. GRAHAM) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations

regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 3, line 9, strike through page 5, line 14, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system or a central count voting system (including mail-in absentee ballots or mail-in ballots) may meet the requirements of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

SA 2896. Mr. DASCHLE proposed an amendment to the bill H.R. 3090, to provide tax incentives for economic recovery; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the ''Secretary''). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that

account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

SA 2897. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term ''pilot program'' means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

SA 2898. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term ''pilot program'' means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

SA 2899. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements to the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. TELEVISION MEDIA RATES.

(a) LOWEST UNIT CHARGE.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking ''(b) The charges'' and inserting the following:

''(b) CHARGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the charges'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

''(2) TELEVISION.—The charges made for the use of any television broadcast station, or by a provider of cable or satellite television service, to any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed, during the periods referred to in paragraph (1)(A), the lowest charge of the station (at any time during the 365-day period preceding the date of the use) for the same amount of time for the same period.''.

(b) RATE AVAILABLE FOR NATIONAL PARTIES.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2), as added by subsection (a)(3), is amended by inserting '', or to a national committee of a political party making expenditures under section 315(d) of the Federal Election Campaign Act of 1971 on behalf of such candidate in connection with such campaign,'' after ''such office''.

(c) PREEMPTION.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a television broadcast station, or a provider of cable or satellite television service, is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program may also be preempted.''.

(d) RANDOM AUDITS.—Section 315 of such Act (47 U.S.C. 315), as amended by subsection (c), is amended by inserting after subsection (c) the following new subsection:

''(d) RANDOM AUDITS.—

''(1) IN GENERAL.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct random audits of designated market areas to ensure that each television broadcast station, and provider of cable or satellite television service, in those markets is allocating television broadcast advertising time in accordance with this section and section 312.

''(2) MARKETS.—The random audits conducted under paragraph (1) shall cover the following markets:

''(A) At least 6 of the top 50 largest designated market areas (as defined in section 122(j)(2)(C) of title 17, United States Code).

''(B) At least 3 of the 51–100 largest designated market areas (as so defined).

''(C) At least 3 of the 101–150 largest designated market areas (as so defined).

''(D) At least 3 of the 151–210 largest designated market areas (as so defined).

''(3) BROADCAST STATIONS.—Each random audit shall include each of the 3 largest television broadcast networks, 1 independent network, and 1 cable network.''.

(e) DEFINITION OF BROADCASTING STATION.—Subsection (e) of section 315 of such Act (47 U.S.C. 315(e)), as redesignated by subsection (c)(1) of this section, is amended by inserting '', a television broadcast station, and a provider of cable or satellite television service'' before the semicolon.

(f) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' before ''If any'';

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting ''DEFINITIONS.—'' before ''For purposes''; and

(3) in subsection (f), as so redesignated, by inserting ''REGULATIONS.—'' before ''The Commission''.

SA 2900. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements to the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 19 through 21, and insert the following:

(2) MANUAL AUDIT CAPACITY.—

(A) PERMANENT AND UNALTERABLE PAPER RECORD.—The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) CORRECTION OF ERRORS.—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent and unalterable paper record is produced.

(C) OFFICIAL RECORD FOR RECOUNTS.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

SA 2901. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Section 205, subsection (3), insert: (4) To construct paved, asphalted, or similar surfaced parking lots, driveways, approaches, roads, roadways, streets, easements, sidewalks or similar access ways, and disabled access ramps or other access mechanisms or features necessary for accessibility for individuals with disabilities to reach or enter a voting system, if the locality providing the ''polling place'' described in subsection (a)(3)(B) is in a ''rural'' area. For the purposes of this subsection ''rural'' or ''rural area'' means a city, town, or unincorporated area that has a population of 50,000 inhabitants or less (other than an urbanized area immediately adjacent to a city, town or unincorporated area that has a population in excess of 50,000 inhabitants), as based on the most recent Decennial Census (including any supplemental surveys thereto).

SA 2902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of

the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 100 percent;

(2) in the case of a State or locality that is in the second highest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(3) in the case of a State or locality that is in the middle ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(4) in the case of a State or locality that is in the second lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent; and

(5) in the case of a State or locality that is in the lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 60 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 100 percent;

(2) in the case of a State or locality that is in the second highest ⅕ of all States or localities with respect to the number of individuals whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(3) in the case of a State or locality that is in the middle ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(4) in the case of a State or locality that is in the second lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent; and

(5) in the case of a State or locality that is in the lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 60 percent.

SA 2904. Mr. NELSON of Florida (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REPORTS ON VOTING RIGHTS VIOLATIONS IN THE 2000 ELECTIONS.

(a) STATUS REPORTS.—

(1) IN GENERAL.—Not later than the date that is 60 days after the date of enactment of this Act, and each 60 days thereafter until the investigation of the Attorney General regarding violations of voting rights that occurred during the elections for Federal office conducted in November 2000 (in this section referred to as the ''investigation'') has concluded, the Attorney General shall submit to Congress a report on the status of the investigation.

(2) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(A) An accounting of the resources that the Attorney General has committed to the investigation prior to the date of enactment of this Act and an estimate of the resources that the Attorney General intends to commit to the investigation after such date.

(B) The date on which the Attorney General intends to conclude the investigation.

(C) A description of the measures that the Attorney General has taken to ensure that the voting rights violations that are the subject of the investigation do not occur during subsequent elections for Federal office.

(D) A description of any potential prosecutions for voting rights violations resulting from the investigation and the range of potential punishments for such violations.

(b) FINAL REPORT.—Not later than the date that is 60 days after the date of the conclusion of the investigation, the Attorney General shall submit to Congress a final report on the investigation that contains a summary of each preventive action and each punitive action taken by the Attorney General as part of the investigation and a justification for each action taken.

SA 2905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election

technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 19 through 21, and insert the following:

AUDIT CAPACITY.—

The voting system shall produce a record with an audit capacity for such system;

(2) MANUAL AUDIT CAPACITY.—

(A) PERMANENT AND UNALTERABLE PAPER RECORD.—The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) CORRECTION OF ERRORS.—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent and unalterable paper record is produced.

(C) OFFICIAL RECORD FOR RECOUNTS.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

SA 2906. Mrs. CLINTON proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

SA 2907. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, beginning with line 20, strike through page 14, line 2, and insert the following:

(5) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain through a free access system (such as a toll-free telephone number or an Internet website) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(6) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

SA 2908. Mr. MCCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of section 206(b), add the following: ''A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract.''.

SA 2909. Mr. MCCONNELL (for Mr. GREGG) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 13 through 15, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 6 and 7, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

On page 14, between lines 2 and 3, insert the following:

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.

SA 2910. Mr. MCCONNELL (for Mr. MCCAIN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 10, line 22, strike ''Commission'' and insert ''Commission, in consultation with the Architectural and Transportation Barriers Compliance Board,''.

On page 64, line 19, strike ''316(a)(2)).'' and insert ''316(a)(2)), except that—

''(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

''(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board.''.

SA 2911. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him

to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. FULL EQUALITY FOR AMERICANS ABROAD.

(a) INCLUSION OF AMERICAN CITIZENS LIVING ABROAD IN FUTURE DECENNIAL CENSUSES.—The Secretary of Commerce shall ensure that, in each decennial census of population taken after the date of the enactment of this Act under title 13, United States Code, all American citizens living abroad shall be included for purposes of the tabulations required for the apportionment of Representatives in Congress among the several States, and for other purposes.

(b) REPORT ON RELATED ISSUES.—The Secretary of Commerce shall submit to Congress by not later than September 30, 2002, a report on any methodological, logistical, and other issues associated with the inclusion in future decennial censuses of American citizens living abroad, for apportionment, redistricting, and other purposes for which decennial census results are used. Such report shall include estimates of the number of Americans living abroad in the following categories: Federal civilian employees, military personnel, employees of business enterprises, employees of non-profit entities, and individuals not otherwise described.

SA 2912. Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 28 of the amendment, after line 23, add the following:

(c) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

On page 30, strike lines 23 through 25, and insert the following:

(b) PROTECTION AND ADVOCACY SYSTEMS.—In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

SA 2913. Mr. DODD (for Mr. HARKIN (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end add the following:

SEC. ___. VOTERS WITH DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

SA 2914. Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

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SA 2915. Ms. COLLINS (for herself Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON of Nebraska, and Mr. NICKLES) submitted an amendment

intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, strike lines 12 through 16, and insert the following:

(a) PAYMENTS .—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State having an application approved under section 203 the cost of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 203 an amount equal to 0.5 percent of the amount appropriated under section 209 for the fiscal year during which such application is submitted to be used by such State for the activities authorized under section 205.

(b) RETROACTIVE PAYMENTS.—

On page 38, strike lines 15 through 19, and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 213 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 212 an amount equal to 0.5 percent of the amount appropriated under section 218 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 214.

(3) RETROACTIVE PAYMENTS.—The Attorney

On page 45, strike lines 4 through 7, and insert the following:

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 223 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 222 an amount equal to 0.5 percent of the amount appropriated under section 228 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 224.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 9:30 a.m., in open and closed session to receive testimony on the results of the nuclear posture review in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on February 14, 2002, at 10 a.m., to conduct a hearing on ''Accounting and Investor Protection Issues Raised by Enron and Other Public Companies: International Accounting Standards and Necessary Reforms to Improve Financial Reporting.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 14, at 2:30 p.m., to conduct a hearing. The purpose of the hearing is to receive testimony on the following bills:

S. 202 and H.R. 2440, to rename Wolf Trap Farm Park as Wolf Trap National Park for the Performing Arts;

S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument, and for other purposes;

S. 1061 and H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes;

S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks;

H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona; and

S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 10 a.m., to hear testimony on the administration's request to increase the Federal debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 2:30 p.m., to hold a hearing on HIV/AIDS in Africa.

Agenda

Witnesses

Panel 1: Dr. Eugene McCray, Director, Global AIDS Program, National Center for HIV, STD, and TB Prevention, Center for Disease Control and Prevention, Atlanta, GA, and Dr. E. Anne Peterson, Assistant Administrator, Bureau of Global Health, U.S. Agency for International Development, Washington, DC.

Panel 2: Dr. Jeffrey Sachs, Director, Center for International Development, Harvard University, Cambridge, MA; Dr. Jim Yong Kim, Director, Program in Infectious Disease and Social Change, Harvard Medical School, Boston, MA; and Mr. Martin J. Vorster, Mahyeno Tributary Mamelodi, Pretoria, South Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''The Needs of the Working Poor: Helping Families To Make Ends Meet,'' during the session of the Senate on Thursday, February 14, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, February 14, 2002, for a hearing on administration's proposed budget for veterans' programs for fiscal year 2003.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Thursday, February 14, 2002, at 2:30 p.m., in Dirksen 226.

Witness list

Panel I: The Honorable Judd Gregg.

Panel II: Richard Stana, Director, Justice Issues, General Accounting Office.

Panel III: Susan Fisher, Executive Director, Doris Tate Crime Victim's Bureau, Carlsbad, CA; Doug Comer, Director of Legal Affairs and Technology Policy, Intel Corporation, Washington, DC; John Avila, Executive Counsel, Walt Disney Company, Burbank, CA;

and Frank Torres, Legislative Counsel, Consumers Union, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Ben Clausen, a member of my staff, be granted the privilege of the floor during today's proceedings on the Equal Protection of Voting Rights Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING OF H.R. 2646

Mr. REID. Mr. President, I ask unanimous consent that H.R. 2646, the farm bill, be printed as passed by the Senate on Wednesday, February 13.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSPENDING CERTAIN PROVISIONS PURSUANT TO SECTION 258(a)(2) OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

Mr. REID. Mr. President, I ask unanimous consent that previous consent with respect to S.J. Res. 31 be modified to provide that all time be yielded back; that the joint resolution be read the third time, and the Senate then vote on passage, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. DOMENICI. Mr. President, once again, as was that case last November, the Senate today must consider a measure that comes to us as a result of the recession. S.J. Res. 31 is an automatic resolution, required to be introduced by the majority leader and considered by the Budget Committee and the Senate under expedited procedures.

The resolution is automatic when the Congressional Budget Office notifies the Congress of an economic slowdown.

On January 30, the Department of Commerce's advance report on real economic growth, showed the economy in the fourth quarter grew at an annual rate of 2 tenths of a percent. In the third quarter the economy shrank at an annual rate of 1.3 percent.

This report triggered the CBO notification of low-growth, and subsequently triggered the introduction of the resolution before us today.

The provision in the Balanced Budget and Emergency Deficit Control Act of 1985—sometimes referred to as the Gramm-Rudman-Hollings Act—that necessitated the reporting of this resolution, was simply that we did not want to be initiating major spending cuts in a time of recession.

I might add that the same section of that law that suspends spending cuts in the time of recessions also covers events of war.

S.J. Res. 31 was reported unfavorably from the Budget Committee yesterday. The committee is required to report the resolution without amendment or be discharged without comment.

Again, I concurred with the chairman that the committee should express its disfavor with the Resolution, to send a signal to the full Senate to disapprove it. I ask the Senate to join the chairman, Budget Committee, and me on disapproving the resolution.

If this resolution were somehow to make it to the President for his signature, which he would not sign, it would effectively eliminate all fiscal discipline, all the enforcement tools we have here in the Congress all the way through September 2003.

I do not think we need to take such drastic action.

Having taken this position on a bipartisan basis, however, does not mean that we should not act to address both the economic slow down and the war on terrorism. We should and we must.

Having said that, the business sector was the focus of the economic weakness in the fourth quarter—as it has been throughout the recession.

Businesses reduced inventories at a very rapid pace and decreased investment in new plant and equipment. These factors were such a drag on economic growth that had it not been for a large increase in government purchases, GDP would have been negative in the fourth quarter.

However, the outlook for economic growth this year is becoming increasingly positive. This morning the Labor Department reported that initial claims for unemployment insurance dropped last week to the lowest level since August. Claims are down 26 percent since the peak in October. Businesses may not be adding workers and the unemployment rate may continue to rise a bit from here, but the pace of layoffs has slowed.

The inventory cycle, productivity, monetary policy, and fiscal policy all suggest better growth this year. Having decreased inventories by more than $70 billion in 2001, business have more room to make purchases in the months ahead.

Remarkably, it seems no one told productivity that we had a recession. Productivity growth averaged more than 2 percent during the recession and it usually increases rapidly during recoveries.

With short-term interest rates at 1.75 percent, monetary policy is loose. Lower energy prices should contribute to growth this year. And, although I wish we could agree on additional policies to stimulate growth, the tax cut we enacted last year will boost the economy this year.

The tools of fiscal discipline must be contained so we can convey to the American public and the markets that we are keeping an eye not only on the current challenges we face, but also those longer term challenges.

We must maintain the provisions of the Budget Act that provide us with that future discipline, and we must deal with both tax and spending legislation today while waiving the Budget Act on a case by case basis as needed.

I appreciate the chairman's willingness to approach this issue on a bipartisan basis and I join with him in recommending that the full Senate now reject this resolution when it votes later today.●

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The joint resolution (S.J. Res. 31) was rejected.

NATIONAL DONOR DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 210 submitted earlier today by Senators DURBIN, DEWINE, FRIST, KENNEDY, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 210) designating February 14, 2002, as ''National Donor Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements thereon be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 210) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

UNANIMOUS CONSENT AGREEMENT—S. 517

Mr. REID. Mr. President, I ask consent that the majority leader, after consultation with the Republican leader, may at any time turn to consideration of Calendar No. 65, S. 517, a bill to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY 15, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 10 a.m., February 15; that following the prayer and the pledge, the

Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the election reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there will be no rollcall votes tomorrow. The next rollcall votes will occur on Tuesday, February 26, at 10 a.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:52 p.m., adjourned until Friday, February 15, 2002, at 10 a.m.

CONFIRMATONS

Executive nominations confirmed by the Senate February 14, 2002:

EXECUTIVE OFFICE OF THE PRESIDENT

NANCY DORN, OF TEXAS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

DAVID L. BUNNING, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY.

JAMES E. GRITZNER, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.

RICHARD J. LEON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

EXTENSIONS OF REMARKS

DR. DAVID SATCHER, THE PEOPLE'S SURGEON GENERAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, during this month long recognition of Black History Month it is a privilege for me to honor the second African-American to serve as this country's U.S. Surgeon General, Dr. David Satcher. Tomorrow, Dr. Satcher will conclude his term. I rise in recognition of the leadership, compassion, dedication and vision that he has exhibited during his tenure as the 16th Surgeon General of the United States.

A native Alabaman and graduate of Morehouse College, Dr. Satcher received both his M.D. and Ph.D. from Case Western Reserve University in 1970. After years of study, Dr. Satcher put his expertise into practice first as a faculty member at the UCLA School of Medicine and Public Health and later as Chairman of the Department of Family Medicine at the King-Drew Medical Center in Los Angeles, where he also directed the King-Drew Sickle Cell Research Center for 6 years. Returning to his alma mater in 1977, Dr. Satcher then went on to serve as professor and Chairman of the Department of Community Medicine and Family Practice at Morehouse School of Medicine before being elected President of Meharry Medical College in Nashville, Tennessee, a post he held from 1982 to 1993.

A learned, well-educated professional and a father of four, Dr. Satcher entered public service in 1993 as the Director of the Centers for Disease Control and Prevention and Administrator of the Agency for Toxic Substances and Disease Registry, posts he held until 1998 when he assumed his current position as Surgeon General. During the period of February 1998 to January 2001, Dr. Satcher served simultaneously in the positions of Surgeon General and Assistant Secretary for Health.

As Surgeon General, Dr. Satcher advocated for and worked towards the promotion of healthy lifestyles, the improvement of the mental health system, and the elimination of disparities in health. Mr. Speaker, The National Center for Health Statistics reports that 60 percent of Americans more than 20 years of age are overweight or clinically obese and that weight-related conditions are the second leading cause of death in the United States, resulting in about 300,000 preventable deaths each year. What is so sad is that most of these deaths can and should be prevented. Realizing this, Dr. Satcher used his office to focus national attention on nutrition; he educated Americans about the value of maintaining a balanced diet with more vegetables and less sugar, and he stressed the necessity of regular exercise. Recognizing the fact that obesity can substantially increase a person's risk of illnesses such as breast, colon, ovarian, and prostate cancers, as well as type 2 diabetes and heart disease, I would like to personally thank the Surgeon General on behalf of all Americans who have undoubtedly benefited from the preventative efforts he initiated and oversaw during his tenure.

Believing in the importance of mental as well as physical health, Dr. Satcher also worked to improve the mental health system to one of caring and support—not blame and stigmatization—and towards the developing of sound strategies for suicide and violence prevention. When Congress called for the development of a national strategy for suicide prevention, Dr. Satcher wholeheartedly embraced the challenge and responded with the dynamic leadership that has become his trademark. The National Strategy for Suicide Prevention was published in May 2001 and I am proud to say that we now have a unified, governing text to guide our national effort to prevent the loss of the nearly 30,000 lives claimed annually by suicide.

In addition to his efforts to promote healthier American lifestyles and to better the condition of the mental health system, Dr. Satcher also acted in an effort to eliminate socio-economic based disparities that remain prevalent in the U.S. healthcare system. He was not afraid to address controversial issues, like needle exchange, when he felt that a change in public policy would save lives. Using the best available science, and operating under the belief that the entire nation benefits from the protection of the health of the most vulnerable, Dr. Satcher and his team focused on six key issues, infant mortality, child and adult immunizations, HIV/AIDS, cardiovascular disease, cancer screening and management, and diabetes, all of which have an especially large impact on minority populations.

Dr. Satcher's goal while in office was to be remembered as the Surgeon General who listened to the people and who always responded to their needs and concerns. Looking back on the last 4 years from the vantage point of this last day of Dr. Satcher's term, it is abundantly clear that he more than accomplished that goal, and that indeed he far exceeded it. Dr. Satcher not only lent an ear to those with a voice, but spoke up for those whose voice could not be heard. In all that he did as the 16th Surgeon General of the United States, Dr. Satcher always acted as a true and honest servant of the people. And for this, for his dedicated service to American healthcare, his country commends him.

RECOGNIZING CATHOLIC SCHOOLS WEEK

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor and recognize the annual celebration of Catholic Schools' Week.

Each year, over 3,500 Catholic schools across our nation celebrate Catholic Schools' Week to recognize the educational and social contributions of America's Catholic schools. This year's 28th Catholic Schools' Week theme, ''Catholic Schools Where Faith and Knowledge Meet,'' exemplifies a major benefit of receiving a Catholic School education.

Catholic schools foster their students with a strong sense of faith, spirit, and Christian service. These are important values which we must promote, especially in light of the events of September 11th. Catholic schools teach a diverse student body from all faiths and races. In fact, 25.6 percent of Catholic school students are minorities. In some inner-city schools, a majority of students are non-Catholic.

It is important that we continue our strong support for Catholic Schools. Catholic education is internationally recognized for its academic excellence and emphasis on the development of the heart, mind and soul. We must promote the growth and continued success of Catholic schools by ensuring they have Internet access, abundant libraries and safe learning environments.

I have worked closely with the Catholic schools in my district, such as helping provide Internet services to the St. Charles Borromeo Catholic School in Houston, visiting Catholic school facilities, and reading to students.

Mr. Speaker, I am proud of the contributions made by our nation's Catholic Schools. I would like to especially recognize the dedicated teachers, principals, school administrators and parents in my Texas Congressional district for their hard work and devotion.

PAYING TRIBUTE TO MAHLON ''BUTCH'' WHITE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from Pueblo, Colorado. Over the years, Mahlon ''Butch'' White has distinguished himself as a business executive, a community leader, and a vital participant in the funding of civic organizations and activities throughout the region. Butch's achievements are impressive and it is my honor to recognize several of those accomplishments today. Butch is a generous soul whose good deeds and generous acts certainly deserve the recognition of this body of Congress, and this nation.

Butch was the former owner and operator of Minnequa Bank in Pueblo, a successful business operation he has run since his late twenties. He has carried on a long line of tradition in the banking industry, dating back to his great-grandfather, Mahlon, of whom he owes his namesake. As such, the White family has served the Pueblo community throughout the last century with professionalism and high standards and continues to serve as a model

family for Pueblo as well as the State of Colorado.

Throughout his life, Butch and his wife Maylan, have ensured that the White family remain true to its roots and give back to a community that has provided his business the resources to prosper throughout the bank's long history. The family charity, known as the Mahlon Thatcher White Foundation, has provided funds to charitable and community organizations in Pueblo for decades. The organization is a proud supporter of the YMCA, Pueblo Library District, the Sangre de Cristo Arts center, and the Pueblo Zoo, and a handful of other organizations in the area. Through these donations, the City of Pueblo has enjoyed a prosperous history and high culture rating that has elevated the area as a top destination in Southern Colorado.

Mr. Speaker, Butch White's list of achievements have not been overlooked during his career and his efforts have been repeatedly awarded over the years. It is now my honor to congratulate Butch on his most recent and well-deserved award from his own community, the Citizen of the Year Award, provided by the Greater Pueblo Chamber of Commerce. On receipt of his award, Butch remained true to his philanthropic standards while a member of the chamber announced a further $50 million will be additionally donated to the community from the foundation. Butch has been a model citizen for the community and I extend my thanks to his charitable efforts. Keep up the good work Butch, and good luck to you and your wife Maylan in your future endeavors.

HONORING THE CITY OF SUN VALLEY, IDAHO, ON ITS CONTRIBUTIONS TO THE OLYMPICS

SPEECH OF

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to a place I'm proud to represent. It's a place with rolling his and snow-capped mountains, dazzling celebrities and home to a world class ski resort: Sun Valley, Idaho. On Friday the 19th Winter Olympics will begin in Utah. For three weeks, we'll see skating, skiing, curling, bobsledding and high jumping. For many of the athletes the trip to Salt Lake City will only be a few hours in the car, because they've been training in Idaho for weeks.

I'd like to honor Sun Valley Co. for hosting these tremendous athletes and for their contribution to the Winter Olympics. Sun Valley has opened its doors to these athletes and given them the opportunity to not only adjust to the altitude of the West and Mountain Time Zone, but to America. More than 200 athletes have trained in Sun Valley from countries as far away as the Ukraine and Sweden to as close as Canada. I'm also proud of the Wood River Valley's three Olympiads that will take part in the winter Olympics: Sondra Van Ert, Muffy Davis and Tessa Benoit.

Thank you Sun Valley for hosting the Olympiads and for your continuing support of the Winter Games. Your contribution is noticed and appreciated.

NATIONAL TRIO DAY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HINOJOSA. Mr. Speaker, I rise today in support of a wonderful program that has helped and encouraged young people in my District and all over this country to complete their education. I am speaking of the TRIO Program.

In the 15th Congressional District, we are plagued with high drop out rates among our youth. In fact, the recent figures published by the U.S. Census Bureau show that 78% of Texans do not have a college degree. This is a tremendous waste of human capital and talent, and we must continue to find innovative ways to tap into this underdeveloped potential.

One program that is making inroads into this problem is the TRIO program. TRIO is made up of several programs including Upward Bound, Upward Bound Math Science, Talent Search, and Student Support Services. These programs promote educational excellence in at-risk students through mentoring, counseling, and support. The goal is to make sure that these students stay in school so they can complete their education and become part of the American dream.

I especially want to bring to your attention the work that is being done by the TRIO programs run by the University of Texas Pan American, Texas A&M Kingsville, South Texas Community College, and Coastal Bend Community College. These dedicated schools in my District are committed to seeing that every student has the opportunity to receive a higher education.

February 23, 2002 has been designated National TRIO Day. I urge my colleagues to take this opportunity to visit their local TRIO programs and encourage these students and the teachers and counselors who are dedicated to their success.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. MCCOLLUM. Mr. Speaker, on February 5, 2002, 1 was attending the funeral of my good friend Darlene Luther in Minnesota and missed roll call votes 6 and 7. Had I been present, I would have voted in support of H.R. 577 (roll call vote 6) and in support of S. 970 (roll call vote 7).

PAYING TRIBUTE TO MEL COLEMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I pay tribute today to Mr. Mel Coleman, a man whose dedication to his profession, his customers, and his loved ones, is both extraordinary and inspirational. Mel was not only an incredible rancher and businessman, but, more importantly, a man of unquestioned integrity and of unparalleled morality. He will be sorely missed by each and every person whose life he touched. As his family mourns his loss, I believe it is appropriate to remember Mel and pay tribute to him for his contributions to his city, his state and his country.

Mel Coleman, the great-grandson of pioneers who settled in the San Luis Valley of Colorado in 1870, created a cattle ranching empire by employing a novel and often overlooked practice—listening to his customers. By responding to complaints that there was no good source for hormone-and-stimulant-free beef in the marketplace, Mel turned an unprofitable ranching business into Coleman Natural Products, a $70 million-per-year empire, which controls 50 percent of the natural beef market and sells to 2,500 retail outlets throughout the United States and Japan. His beef is now preferred by an ever-growing population of people who prefer its taste, which results from the cattle never being given any hormones, antibiotics or growth promotants, and which graze on ground that is never fertilized.

Mel's vision and dedication to his cause is truly remarkable. He was bold enough to venture into an untested market and talented enough to become extraordinarily successful in this endeavor. In 1981, he was the first to receive permission from the United States Department of Agriculture to label his beef ''hormone and stimulant free,'' which subsequently led to an influx of competition into the marketplace that continues to be dominated by Coleman Natural Products. Mel is survived by his wife, Polly, who was always at her husband's side in both business and in life, his two sons, Mel Jr. and Greg, and his daughter Dianne.

Mr. Speaker, we are all terribly saddened by the loss of Mel Coleman, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, success and love that Mel left with all of us. Mel Coleman's life is the very embodiment of all that makes this country great, and I am deeply honored to be able to bring his life to the attention of this body of Congress.

TRIBUTE TO HELEN C. HITZ

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to Mrs. Helen C. Hitz, a former employee here on Capitol Hill. Mrs. Hitz recently passed away, on January 15, 2002, at the age of 80.

In 1960, Mrs. Hitz moved to the Washington, D.C. area and began her employment on Capitol Hill in February of 1961 as a secretary and receptionist to the Honorable Frank Moss of Utah. In September of 1961, Mrs. Hitz accepted the position as Secretary to the General Counsel at the House of Representatives Committee on Small Business. In April of 1965, she transferred to the House Committee on Banking and Currency where she was a staff director and supervised several Committee caseworkers. She was also the confidential and personal Secretary to Dr. Paul Nelson, Administrative Assistant to the committee chairman. In July of 1965, Mrs. Hitz accepted the position of Personal Secretary to

Congressman Fernand St. Germain, a Democrat from Rhode Island. She coordinated the work of the Congressman between his personal office and the Committee. Mrs. Hitz retired from Congressional service in 1983 from her position with Congressman St. Germain after more than 20 years of federal civil service.

In 1987, Mrs. Hitz moved from Virginia to Jackson, Tennessee to be near her son, John Hitz. In 1998 she relocated to Holts Summitt, Missouri to be near her other son, Charles Hitz, and to her hometown of Jefferson City, Missouri when she lived until her death.

It is always an honor and a privilege to recognize folks who have given a large portion of their lives to government service. It is a noble profession and I am proud to recognize the service of Mrs. Helen C. Hitz.

RECOGNIZING THE HISPANIC ENGINEER NATIONAL ACHIEVEMENT AWARDS CORPORATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HINOJOSA. Mr. Speaker, I rise today to recognize the work that the Hispanic Engineer National Achievement Awards Corporation (HENAAC) is doing to enlighten the Hispanic community and nation about the achievements of Hispanics in science and technology in order to motivate Hispanic students to pursue careers in science and technology.

American students lag behind their counterparts in other developed countries like Japan in the areas of science and math. If America is to hold its technological advantage in an ever complex world, we must close this gap and improve our children's achievements in math and science.

In October, HENAAC will hold its annual conference to honor outstanding Hispanics in nine categories. In addition to the conference, HENAAC, in conjunction with the University of Texas-Pan American in my Congressional district, will also sponsor four special events as part of the International Science and Technology Week. The Hispanic Science and Technology EXPO Day at UT Pan American will bring students, parents, educators and the community together to learn about the importance of science and technology and give students information on career opportunities in engineering, science and math. Thousands of pre-college students will be able to participate in the hands-on interactive workshops, presentations and expositions. Hispanic Science and Technology Educator Day will recognize teachers throughout South Texas and give them opportunities to improve their skills.

In addition to International Science and Technology Week, HENAAC also sponsors student scholarships and a Hall of Fame traveling exhibit.

On February 19, 2002, the University of Texas-Pan American will have a kick-off to encourage students, parents and teachers to participate in the upcoming events. I want to commend HENAAC and the University of Texas-Pan American for their commitment to educating the next generation of Hispanic scientists, mathematicians and engineers.

HONORING BOB SECRIST OF BOISE, IDAHO, ON HIS RETIREMENT FROM THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SIMPSON. Mr. Speaker, I rise today to honor Bob Secrist, a man who has served Idaho veterans for more than 30 years, on his retirement from the Department of Veterans Affairs Regional Office.

As a Vietnam veteran himself, Bob has shown compassion and dedication to veterans of all ages and in all areas of Idaho.

Bob grew up in the farming community of St. Anthony, Idaho where he learned the value of hard work, a firm handshake and an honest heart. He stayed close to home, attending Ricks College and graduating in 1964. He served his church on a two-year mission to the Great Lakes area. When he returned, he joined the Idaho National Guard. While in the Guard, he was called to Vietnam. He was a truck driver, delivering truckloads of gasoline and diesel fuel throughout Vietnam's Central Highlands. His highly explosive convoys negotiated mined roadways, blown up bridges, and sporadic enemy assaults. He returned in August 1969, married his sweetheart Judy in 1970, and graduated from Idaho State University in 1971 with a degree in business.

After graduating, the family moved to Boise, and Bob began his distinguished career at the VA Regional Office. He started out as Claims Adjudicator working stacks of paper to help those who'd been disabled in the line of duty. For many, Bob put a human face to veterans' issues. His outreach on veterans' issues is legendary. If you had a question about veterans' benefits, Bob knew the answer.

In 1974, he was promoted to be the Education Liaison Representative working with Idaho schools under the GI Bill education program. According to his colleagues, Bob was able to streamline the schools' procedures and improve services to veterans enrolled in school. He utilized his claims processing background to work weekends helping adjudicators to write education awards and clearing up processing delays.

Because of his dedication and community involvement, he was named the Chief of the Regional Office's Veterans Services Division in 1990. In this position, he was in charge of state outreach to all veterans and beneficiaries around the state.

Bob always felt compassion for veterans. He never lost sight of who he was working for—not the government—not the VA—but the veterans who had served this country. He made sure the VA Regional Office wasn't an Ivory Tower looking down on the veterans they served. In the face of budget cuts, he was determined to make the Regional Office ''veteran friendly.'' He began a program of partnerships with the Veterans Service Organizations, the VFW, DAV, American Legion, the Wake Island Survivors, the Idaho Department of Veterans Services, and many others.

After the Regional Office was consolidated in the late 1990s, Bob was appointed as the Regional Office Public Information Officer. In that position, he served as a congressional liaison, always ensuring that my staff and I was informed about veterans issues.

Bob, for 33 years you've been a shining star in the veterans' community, showing those around you that veterans come before bureaucracy and that good ideas don't need to be buried under the burden of government. I commend you. I congratulate you and on behalf of the thousands of veterans you've served, and I thank you.

PAYING TRIBUTE TO JERRY SORENSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay respect to the passing of a friend, Gerald ''Jerry'' Edwin Sorensen, who recently passed away at the age of 55. Jerry was a pillar of the Glenwood Springs community and as his family mourns his loss, I think it is appropriate to remember Jerry and pay tribute to him for his contributions to his community.

Jerry will always be forever known as a true sports fan, a man who lived and thrived for sporting events. He is remembered as a superb athlete during his high school years, participating on and playing for the Roaring Fork High School football and baseball teams located in Carbondale, Colorado. His passion for sports continued throughout his life branching into hunting, fishing, 4-wheeling, bowling and watching his favorite football team, the Denver Broncos. Although known for his athleticism and hard work, Jerry's true love was working and interacting with people, particularly his two sons and grandsons. He will be remembered as a devoted husband, father, and friend. He affected the lives of so many of Glenwood's residents with his kindness and his generosity and he will be greatly missed.

Mr. Speaker, it is with profound sadness that we note the passing of Gerald ''Jerry'' Edwin. He was known for his kind heart and the gentle demeanor he displayed throughout his life and his good deeds and dedication to his fellow man certainly deserve the recognition of this body of Congress. I, along with a grateful community and loving family will miss Jerry dearly.

CELEBRATING THE LIFE OF LLOYD KIVA NEW

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to a recently lost New Mexican who was a devoted Native American educator, artist, and entrepreneur. Lloyd Kiva New had intuition and visionary skills that made him a successful business man; however, more importantly, his humble heart and ambition drove him to aide young Native American students to strive for excellence at the Institute of American Indian Arts.

The Native American community has lost a prolific humanitarian, who devoted much of his

time to encourage young students to climb to a higher level of education. Investing much of his time and energy, aside from his reputation as a renowned artist and entrepreneur, he developed a school intended to teach the values of individuality and excellence among the Native American community.

Not only in Santa Fe but also throughout the nation's Native American communities, New was well respected and admired. Fellow colleagues, family members, and friends will moum the death of a great public servant. May we remember and keep in our hearts the generosity and accomplishments of Lloyd Kiva New and those whom he left behind.

Those who will continue his legacy are his wife Aysen New, his son Jeff New, and his daughter Nancy Sandroff.

Mr. Speaker, Lloyd Kiva New will be deeply missed, but not forgotten.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LEWIS of Kentucky. Mr. Speaker, on Tuesday, February 12, 2002, I was in my congressional distric attending an official event. Had I been present in the House Chamber, I would have voted 'yea' on H.R. 2998, to authorize the establishment of Radio Free Afghanistan, and H.R. 3699, to revise certain grants for continuum of care assistance for homeless individual and families.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 15, H.R. 2998, to authorize the establishment of Radio Free Afghanistan. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 16, H.R. 3699, to revise certain grants for continuum of care assistance for homeless individual and families. Had I been present I would have voted yea.

CYBER SECURITY RESEARCH AND DEVELOPMENT ACT

SPEECH OF

HON. ANNA G. ESHOO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2002

Ms. ESHOO. Mr. Speaker, I rise in support of this bill and I'm proud to be a cosponsor of it.

The Cyber Security Research and Development Act is aimed at the important need of increasing attention and funding for cybersecurity. I salute my colleague Mr. Boehlert for recognizing this need to move this legislation to the floor of the House.

The bill authorizes over 800 million dollars for research and grant programs through the National Science Foundation and the National Institute of Standards and Technology. This means that the extraordinary scientists and researchers at research facilities like NASA Ames can continue to find innovative ways to address the many security challenges facing our nation.

NASA Ames provides research leadership and world-class capability in the fields of supercomputing and networking, high-assurance software development, and verification and validation. They have developed an unmatched expertise in areas critical to the security of our networks and infrastructures.

As we know all too well, terrorists can strike in unthinkable ways. To minimize the impact terrorist attacks may have on our ability to communicate and exchange valuable information, we must begin to correct the deficiencies in current U.S. computer and network defenses. Only then will we ensure that the United States is better prepared to prevent and combat terrorist attacks on private and government computers.

It is my hope that the Cyber Security Research and Development Act is the beginning of a long-term investment in establishing a strong national information assurance program. It has my strong support and I urge my colleagues to do so as well.

PAYING TRIBUTE TO JULIA HAAG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate a young student from my district whose hard work and dedication has been rewarded with the great opportunity to pursue a higher education. Julia Haag of Florence, Colorado, was recently awarded the Boettcher Scholarship, and as she celebrates her achievement I would like to commend her for her determination and self-sacrifice in achieving this honor. She is certainly a well deserving recipient of this scholarship and I am pleased to represent her and her family in Colorado.

Julia is a senior at Florence High School located in Southern Colorado. After a long, and no doubt difficult process, Julia was selected as a recipient of the Boettcher Scholarship. This scholarship will provide her with free tuition to the Colorado college of her choice, allowing her the opportunity to pursue a higher education degree with the opportunity to study abroad. This is a great program provided within Colorado to allow students to pursue higher education opportunities throughout the state.

Julia has been graced with this opportunity for her hard work, attention to her studies, and exceptional aptitude test scores. She scored in the top percentile for the ACT, and will graduate in the top 5% of her senior class. A necessary requirement Julia has so aptly demonstrated is her leadership abilities among student and youth organizations and active participation in community service projects throughout the region. Upon graduation, Julia plans to attend law school or focus on broadcast journalism. Whatever her decision, I am certain she will successfully excel in her endeavors with the same aptitude she has demonstrated throughout her young life.

Mr. Speaker, the diligence and commitment demonstrated by Julia Haag certainly deserves the recognition of this body of Congress, and this nation. Julia's achievement serves as a symbol to aspiring college bound students throughout Colorado, and indeed the entire nation. Her reward is proof that hard work and attention to your studies can lead to assistance in achieving your goals. The Boettcher Scholarship is a model program for the states throughout this nation and ensures that our future generations are guaranteed the opportunity to improve their lives through the resources of education. Congratulations Julia, and good luck in your future endeavors!

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. RYAN of Wisconsin. Mr. Speaker, due to the birth of my first child, Elizabeth Anne, on February 2, 2002, I was absent for Roll Call Votes No. 6 through 14 from February 5, 2002 through February 7, 2002. I have listed below how I would have voted had I been present.

On Vote No. 6, H.R. 577, to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised, I would have voted ''Yea.''

On Roll Call Vote No. 7, S. 970, designating the facility of the US Postal Service located on 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building, I would have voted ''Yea.''

On Roll Call Vote No. 8, H. Res. 342, providing for the consideration of motions to suspend the rules for H. Con. Res. 312, I would have voted ''Yea.''

On Roll Call Vote No. 9, S. 1888, correcting a technical error in the codification of Title 36 of the United States Code, I would have voted ''Yea.''

On Roll Call Vote No. 10, H. Con. Res. 312, expressing the sense of the House of Representatives that the scheduled Tax Relief Provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 passed by a Bipartisan Majority should not be suspended or repealed, I would have voted ''Yea.''

On Roll Call Vote No. 11, H.J. Res. 82, recognizing the 91st birthday of Ronald Reagan, I would have voted ''Yea.''

On Roll Call Vote No. 12, H. Res. 343, providing for consideration of H.R. 3394, the Cyber Security Research and Development Act, I would have voted, ''Yea.''

On Roll Call Vote No. 13, H.R. 3394, on passage of the Cyber Security Research and Development Act, I would have voted, ''Yea.''

On Roll Call Vote No. 14 on the Journal. February 5 through February 7, 2002, I would have voted ''Yea.''

A TRIBUTE TO BILL MILLS, THE FATHER OF THE SANTA ANA RIVER FLOOD CONTROL PROJECT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. COX. Mr. Speaker, it is an honor to rise today to commend Bill Mills who is retiring on April 1st after completing a successful term as the general manager of the Orange County Water District.

An innovative leader, for the past fourteen years Bill Mills has spearheaded both conservation and reclamation water projects to aid one of the largest counties in the nation. Recognizing the long-term need to reduce Orange County's dependence on imported supplies, Bill has been at the forefront to promote new technologies that would improve the quality of both surface and groundwater supplies. Under his leadership, the Orange County Water District has pioneered some of the most exciting changes in water management as well as maintaining one of the highest financial ratings for a water agency in the state of California.

What was once considered to be only practical in theory, the ability to purify wastewater for reuse, became a reality during Bill's tenure. An accomplished civil engineer, Bill advanced a project referred to as ''Water Factory 21,'' a model water filtration system. This new technology has enabled Orange County residents and businesses alike to recycle a useless product into one of the most important resources needed to maintain irrigation needs during drought. And of course, today, this ''new'' technology is now the norm for many cities and counties throughout the nation and world. Because of Bill's leadership on this project, Orange County is now taking the next step to transfer this critical technology to help solidify other water needs.

Bill's keen ability to recognize early on the potential of new technologies such as Water Factory 21 have earned him praise and recognition from his colleagues throughout the world and numerous awards, including ''Water Leader of the Year.'' The recognition of the Orange County Water District as a leading public agency is a tribute to his legacy. I know that many of my colleagues here in this House personally gained from Bill's expertise when he traveled several times to Washington, D.C. to testify on groundwater and water quality issues. Always thinking ahead, Bill developed a 20-year master plan to guide the County's future groundwater planning—including tackling a major flood control project for an area that was once considered the biggest flood threat west of the Mississippi. Due in large part to the expertise he shared with the U.S. Army Corps of Engineers, Orange County is no longer designated as a flood threat area.

Today, I join my fellow California colleagues to thank Bill for all of his hard work and dedication. Orange County is a better place to live because of his foresight. In behalf of the United States Congress and all of the people of Orange County whom it is my privilege to represent, congratulations to Bill Mills, and best wishes for a well-deserved retirement.

SUPPORT OF NATIONAL SCHOOL COUNSELING WEEK

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. HOOLEY of Oregon. Mr. Speaker, the American School Counselor Association has declared the first full week of February as ''National School Counseling Week.'' Congress recently recognized the importance of school counseling through the reauthorization and appropriation of the Elementary and Secondary School Counseling Improvement Act of the Elementary and Secondary Education Act.

School counselors have long advocated that the American education system must leave no child behind. Even though students face myriad challenges every day, including peer pressure, depression, and school violence, school counselors help develop the total child by guiding their students toward academic, personal, social and career development.

In addition, school counselors are usually the only professionals in a school building trained in both education and mental health. For this reason, school counselors were instrumental in helping students, teachers and parents deal with the trauma of the aftermath of Sept. 11. Nevertheless, the role and responsibilities of school counselors are often misunderstood and as a result, under budgetary constraints, the school counselor position is often among the first to be eliminated.

The school counselor shortage is prevalent today, as evidenced by the fact that the current national average ratio of school counselors to students is 1 to 561. The American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association and other organizations recommend a ratio of 1 to 250.

I urge my colleagues to support National School Counseling Week during the first full week of February and I urge communities across the country to participate with appropriate ceremonies and activities. The American School Counselor Association recommends that parents and students should develop a collaborative relationship with their school counselors. School boards and administrators should continue to support students' academic, personal, social and career development through school counseling.

Mr. Speaker, our students' futures are important to us all and school counselors work every day to ensure that our students are well-rounded socially and academically. Let us take a moment to thank our school counselors for their ongoing work in our schools and communities during times of national crisis or students' personal crises by supporting National School Counseling Week.

TRIBUTE TO COLONEL ROBERT L. HOMER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. WALSH. Mr. Speaker, Colonel Robert L. Homer retired on 26 September 2001 from his position as the Logistics Group Commander for the 174th Fighter Wing, New York Air National Guard in Syracuse. He was appointed to this position on 2 Nov 95.

Col. Homer was born on 28 September 1945 in Ithaca, NY. He graduated from Skaneateles High School in 1963 and earned his Bachelor of Arts Degree from St. Lawrence University, NY in 1967. He went on to graduate from Syracuse University with a Masters in Business Administration Degree in 1971. His military education includes Squadron Officer School, Air Command & Staff College and Air War College.

Col. Homer enlisted in the NYANG in Aug 1968, was commissioned in March 1969 and graduated from Pilot Training in 1970 as Distinguished Graduate. He began working Full-Time at the 174th in 1975 as a Flight Instructor and held various positions within Operations to include Ground Training Officer, Stan/Eval Officer, Scheduling Officer, Air Operations Officer and Deputy Commander for Operations. In 1991, when the 174th was activated during Operation Desert Storm, he was assigned as a Mission Director on the Joint Stars Aircraft. Following that, he went on to head the NYS Counter Drug Program for Headquarters, NYANG in Albany, NY. His last assignment prior to his current position was that of establishing the Minimum Essential Airfield (MEA), at Griffiss AFB in conjunction with the Base Realignment and Closure Act of 1995.

Col. Homer is a command pilot, having been combat qualified in the A–37, A–10 and F–16; with more than 4,000 flying hours.

His awards and decorations include The Bronze Star Medal, Air Force Commendation Medal, Air Force Outstanding Unit Award with Valor Device and 4 devices, Combat Readiness Medal with 5 devices, National Defense Service Medal with 1 device, Southwest Asia Service Medal with 2 devices, Air Force Longevity Service Award Ribbon with 5 devices, Armed Forces Reserve Medal with 1 device, Small Arms Expert Marksmanship Ribbon with 1 device, Air Force Training Ribbon, and Kuwait Liberation Medal.

His military and civic affiliations include the National Guard Association of New York, Militia Association of New York, and the Air Force Association.

Col. Homer resides in Scott, NY with his wife, the former Lynn Bari.

PAYING TRIBUTE TO DIANE PORTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Diane Porter and thank her for her extraordinary contributions to her community and to her state. As a resident of Pueblo, Colorado, Diane has dedicated herself to helping her community by selflessly giving her time and energy to a number of philanthropic endeavors. The remarkable work she has done with the people in her community is surpassed only by the level of integrity and honesty with which she has conducted herself each and every day. It is with a great deal of satisfaction and pride

that I pay tribute to her today for the tremendous accomplishment of being honored by the United States Justice Department for her significant contributions to her community and to her state.

As Director of the YWCA, Diane has long been active in the Pueblo community and has dedicated a significant amount of her time and efforts to improving community relations and upholding civil rights. Recently, her tireless efforts and extraordinarily selfless endeavors culminated in the creation of the Pueblo Human Relations Commission, a 15 member panel which will discuss divisive community issues, and a long-time dream of Diane's. Along with Sandy Gutierrez, Diane was responsible for the Commission's creation, which will undoubtedly serve as a catalyst for more open discussions on race related issues and other controversial issues facing the Pueblo community. Like all true pioneers, Diane had to overcome a great deal of opposition to see her dream come to fruition, and I commend her for her courage and persistence in the face of such opposition.

Mr. Speaker, it is clear that Diane Porter is a woman of unparalleled dedication and commitment to her community and to the people whose lives she has touched while serving it. It is her unrelenting passion for each and every thing she does, as well as her spirit of honesty and integrity with which she has always conducted herself, that I wish to bring before this body of Congress. She is a remarkable woman who has achieved extraordinary things and enriched the lives of so many people. It is my privilege to extend to Diane my sincere congratulations on the creation of the Pueblo Human Relations Commission and for the tremendous accomplishment of being honored by the United States Justice Department for her efforts. I wish her the best of luck in all of her future endeavors.

RECOGNITION OF THE REPUBLIC OF KAZAKHSTAN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. ENGLISH. Mr. Speaker, I would like to take a moment to recognize the Republic of Kazakhstan for its efforts in assisting the United States in our war against terrorism. Kazakhstan was among the first of our allies to offer its condolences and help after the destruction of September 11th. Indeed, following the terrorist attacks, Kazakh President Nazarbayev took the unprecedented step of visiting the United States Embassy in the Kazakh capital of Astana to sign the Embassy's book of condolences.

On September 15, 2001, President Nazarbayev issued a strong statement of support for our war against Osama Bin Laden and Al Qaeda. In his statement, President Nazarbayev declared that his country would support our own government ''in the fight against terrorism with all means available.'' More importantly, our friends in Astana backed their firm statements with action—offering blanket overflight clearance for U.S. aircraft over the vast Republic of Kazakhstan. Moreover, the Kazakh government has since offered its own airfields and supply bases to the United States military for use in action against Al Qaeda.

In addition to this strong strategic help, our Kazakh friends have shipped nearly 3,000 tons of wheat and other grains to the impoverished people of Afghanistan. This sort of vital assistance has helped our own nation in a fight not only to rid Afghanistan of its terrorist oppressors, but to resurrect a long-suffering people. A young nation itself, Kazakhstan has also sought to integrate itself into the global alliance against terrorism by offering further food sales to the United Nations World Food Programme in order to facilitate the feeding of the Afghan people.

President Nazarbayev and his countrymen have also shown political courage and leadership in embracing global standards of conduct in international affairs. The Govermnent in Astana has ratified seven international terrorism conventions, while the Governor of the Kazakh Central Bank has pledged to track down and freeze any terrorist financing within the Kazakh Republic. Mr. Speaker, this sort of cooperation and assistance exemplifies the sort of friendship that our own nation treasures and needs in our fight against the evil behind international terrorism. The Republic of Kazakhstan has demonstrated a valiant commitment to protecting freedom by siding with the United States of America. It is my hope that other nations, young and old, will follow the tremendous example of the Kazakh people.

PERSONAL EXPLANATION

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LUTHER. Mr. Speaker, because I was attending to family matters in my home state of Minnesota, I missed Roll Call votes 483–512 of the 1st Session of the 107th Congress and Roll Call votes 2–14 of the 2nd Session of the 107th Congress. I would like the record to show that I would have voted: Aye on Roll Call vote #483, on motion to suspend the rules and pass H. Con. Res. 281, honoring the ultimate sacrifice made by Johnny Michael Spann, the first American killed in combat during the war against terrorism.

Aye on Roll Call vote #484, on motion to suspend the rules and pass H.R. 3282, the Mike Mansfield Federal Building and U.S. Courthouse Designation Act. Aye on Roll Call vote #485, H.R. 10, the Comprehensive Retirement Security and Pension Reform Act. Aye on Roll Call vote #486, approving the Journal.

Nay on Roll Call vote #487, the rule providing for consideration of H.R. 3295, the Help America Vote Act. Aye on Roll Call vote #488, motion to recommit with instructions on H.R. 3295, the Help America Vote Act. Aye on Roll Call vote #489, final passage of H.R. 3295, the Help America Vote Act. Aye on Roll Call vote #490, on motion to suspend the rules and pass H. Con. Res 282, expressing the Sense of Congress that the Social Security promise should be kept.

Aye on Roll Call vote #491, on motion to suspend the rules and pass, as amended, H.R. 3209, the Anti-Hoax Terrorism Act. Aye on Roll Call vote #492, on passage of H.R. 1022, the Community Recognition Act of 2001. Aye on Roll Call vote #493, on motion to suspend the rules and pass, H.R. 3448, the Public Health Security and Bioterrorism Response Act. Aye on Roll Call vote #494, on motion to Instruct Conferees on H.R. 3338, the Department of Defense Appropriations Conference Report for FY 2002.

Aye on Roll Call vote #495, on closing portions of H.R. 3338, the Department of Defense Appropriations Conference Report. Aye on Roll Call vote #496, on the Conference Report to the National Defense Authorization Act for Fiscal Year 2002. Nay on Roll Call vote #9497, on the Conference Report to H.R. 1, the No Child Left Behind Act. Nay on Roll Call vote #498, to provide for the consideration of Motions to Suspend the Rules.

Aye on Roll Call vote #499, on motion to suspend the rules and pass H.R. 3379, the Raymond M. Downey Post Office Building. Aye on Roll Call vote #500, on motion to suspend the rules and pass H.R. 3054, the True American Heroes Act. Aye on Roll Call vote #501, on motion to suspend the rules and pass H.R. 3275, the Terrorist Bombings Convention Implementation Act. Aye on Roll Call vote #502, to suspend the rules and agree to the Senate amendment to H.R. 2657, the District of Columbia Family Court Act.

Aye on Roll Call vote #503, to suspend the rules and agree to the Senate amendment to H.R. 2199, the District of Columbia Police Coordination Amendment Act. Aye on Roll Call vote #504, on agreeing to the Conference Report to H.R. 3061, the Labor-HHS-Education Appropriations Act for Fiscal Year 2002. Aye on Roll Call vote #505, on agreeing to the Conference Report to H.R. 2506, the Foreign Operations Appropriations Act for Fiscal Year 2002.

Nay on Roll Call vote #506, on agreeing to the Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. Nay on Roll Call vote #507, on agreeing to the H. Res. 320, providing for consideration of H.R. 3529; to provide tax incentives for economic recovery and assistance to displaced workers. Aye on Roll Call vote #508, motion to recommit with instructions on H.R. 3529, the Economic Security and Worker Assistance Act. Nay on Roll Call vote #509, final passage of H.R. 3529, the Economic Security and Worker Assistance Act. Aye on Roll Call vote #510, on agreeing to the conference report to the Department of Defense Appropriations Act for Fiscal Year 2002.

Aye on Roll Call vote #511, on motion to suspend the rules and pass H.J. Res. 75, as amended, Regarding the Monitoring of Weapons Development in Iraq, as Required by United Nations Security Council Resolution 687 (April 3, 1991). Aye on Roll Call vote #512, on motion to suspend the rules and pass S. 1762, to establish fixed interest rates for student and parent borrowers, and for other purposes. Aye on Roll Call vote #2, on motion to suspend the rules and agree to the Senate Amendment to H.R. 700, to reauthorize the Asian Elephant Conservation Act. Aye on Roll Call vote #3, on motion to suspend the rules and pass, as amended, H.R. 2234, the Tumacacori National Historical Park Boundary Revision Act. Aye on Roll Call vote #4, on passage of S. 1762, Higher Education Act Amendments.

Aye on Roll Call vote #5, on motion to suspend the rules and pass H. Res. 335, honoring the contributions of Catholic Schools. Aye on Roll Call vote #6, on motion to suspend the rules and pass H.R. 577, as amended, to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised. Aye on Roll Call vote #7, on motion to suspend the rules and pass S. 970, Designating the facility of the US Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building. Nay on Roll Call vote #8, on ordering the previous question, H. Res. 342, providing for the consideration of Motions to Suspend the Rules.

Aye on Roll Call vote #9, on motion to suspend the rules and pass S. 1888, to correct a technical error in the Codification of Title 36 of the United States Code. Nay on Roll Call vote #10, on motion to suspend the rules and pass, H. Con. Res. 312, expressing the sense of the House of Representatives that the scheduled Tax Relief Provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 passed by a bipartisan majority in Congress should not be suspended or repealed. Aye on Roll Call vote #11, on motion to suspend the rules and pass H.J. Res. 82, recognizing the 91st birthday of Ronald Reagan. Aye on Roll Call vote #12, on agreeing to H. Res. 343, providing for consideration of H.R. 3394; Cyber Security Research and Development Act. Aye on Roll Call vote #13, on passage of H.R. 3394, the Cyber Security Research and Development Act. Aye on Roll Call vote #14, approving the Journal.

TRIBUTE TO CASEY FITZRANDOLPH

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of Casey FitzRandolph, Olympic Gold Medal winner at the Salt Lake City games. This year's Olympic Games have a special meaning to Americans who have come together with unity and pride in these troubling times. I rise today to pay tribute to a constituent whose incredible accomplishment made us all proud to be Americans.

Casey FitzRandolph, of Verona, Wisconsin, won the Gold Medal yesterday in the 500-meter Men's Speed skating competition. He is the first American to win the Gold in this competition since Eric Heiden, also from the second district of Wisconsin, swept the Olympics in Lake Placid in 1980.

When he was five years old, Casey FitzRandolph proclaimed that he would grow up to be just like Eric Heiden, who was there cheering Casey on in his Gold Medal victory last night. Another Wisconsite, Kip Carpenter, took home the Bronze Medal as well, skating in the final pair with Casey in a very special Olympic moment.

In the spirit of Eric Heiden, Dan Jannsen and Bonnie Blair, this new generation of Wisconsin speed skaters has made their state, their nation and the entire world proud.

In recognition of the sacrifice of his parents, Jeff and Ruthie, his grandparents, his sister Jessi, and his fiancée Jennifer Bocher, I want to wholeheartedly congratulate Casey FitzRandolph for his accomplishment.

PAYING TRIBUTE TO SANDY GUTIERREZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, it is my distinct pleasure to pay tribute today to a woman whose incredible heart and extraordinary efforts have made an indelible impact on the community of Pueblo and the State of Colorado. Sandy Gutierrez is both inspirational and courageous, and a true testament to the inherent greatness that resides in all of humanity. Throughout her life, she has consistently given her time, effort and love to others, and it is with a great deal of satisfaction and pride that I pay tribute to her for the tremendous accomplishment of being honored by the United States Justice Department for her significant civil rights contributions.

As Director of the Latino Chamber of Commerce, Sandy has long been a champion of civil rights and has dedicated a significant amount of her time and efforts to improving relations in the Pueblo community. Recently, her tireless efforts and extraordinarily selfless endeavors culminated in the creation of the Pueblo Human Relations Commission, a 15 member panel which will discuss divisive community issues, and a long-time dream of Sandy's. Along with Diane Porter, Sandy was responsible for the Commission's creation, which will undoubtedly serve as a catalyst for more open discussions on race related issues and other controversial issues facing the Pueblo community. Like all true pioneers, Sandy had to overcome a great deal of opposition to see her dream come to fruition, and I commend her for her courage and persistence in the face of such opposition.

Mr. Speaker, I am honored to stand before you today in order to bring the accomplishments of such an extraordinary woman to the attention of this body of Congress. Sandy Gutierrez has been instrumental in improving her community and her state, and I, along with the people whose lives she has so profoundly affected and enriched, are eternally grateful for everything she has done. I wish to offer her my sincere congratulations today on the creation of the Pueblo Human Relations Commission and for the tremendous accomplishment of being honored by the United States Justice Department for her efforts. I wish her the best of luck in all of her future endeavors.

TRIBUTE TO STATE SENATOR MARK HILLMAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker it is an honor to rise today to express congratulations to an outstanding member of the Colorado State Legislature, Senator Mark Hillman of Burlington, Colorado. The National Republican Legislator Association recently named Senator Hillman Legislator of the Year for the year 2001. Senator Hillman continues to be of tremendous service to the state of Colorado and I am pleased to recognize his achievements today.

In a recent edition of The Wray Gazette Senator Hillmnan was quoted as saying, ''I'm truly honored to be chosen for this year's award among the hundreds of qualified candidates nationwide.'' Mark's humility makes him a fine public servant and the state of Colorado is proud of his achievements in the Colorado General Assembly. This award follows the Senator's recognition in August as Legislator of the Year by the American Legislative Exchange Council.

Mark enjoys his position immensely and his dedication to his post as state senator is evident in his success in the state legislature. He holds the highest degree of personal fairness and integrity while also carrying his strong convictions on to the floor of the state legislature.

I am privileged to be a colleague of the distinguished Senator Hillman. The state of Colorado is fortunate to have a man of such integrity and character to serve it. On behalf of the citizens of Colorado, and especially those of the Fourth Congressional District, I congratulate Senator Hillman on his recent achievements. Furthermore, I ask the House to join me in congratulating State Senator Mark Hillman for this high honor.

TESTIMONY OF BETTY R. MOSS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. DELAHUNT. Mr. Speaker, as we debate the merits of reforming our nation's pension system, I would like to share with my House colleagues the experience of Ms. Betty R. Moss, a recent retiree of the Polaroid Corporation. Her compelling testimony, prepared for delivery before the Senate Committee on Health, Education, Labor and Pensions, paints a vivid and disturbing portrait of the vulnerability of workers and retirees under our current pension and bankruptcy laws. I ask my colleagues to consider her poignant words, and join with me in enacting new protections to ensure retirement security for all workers and retirees.

TESTIMONY OF BETTY R. MOSS BEFORE THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS, DATED FEB. 7, 2002

Good morning. My name is Betty Moss, and I am a former Polaroid employee. I am accompanied today by Karl Farmer, chairman of the Official Committee of Retirees for Polaroid Corporation. I am also accompanied today by counsel for the Official Committee of Retirees, Scott Cousins, of Greenberg Traurig.

I am 56 years old and I live in Smyrna, Georgia with my husband, Lawrence. We have been married for 32 years and have one son, Tom.

I started working for Polaroid more than 35 years ago as a file clerk, soon after finishing high school. My job was eliminated last July, and I retired from Polaroid, finishing my career as the Senior Operations Manager of Polaroid's Atlanta Business Center.

As senior manager I was responsible for more than 100 employees as well as all administrative and operational decisions associated with Polaroid's business operations in Atlanta. My budget responsibilities totaled several million dollars, but the ''people responsibilities'' were even more important to me.

I am quite familiar with Polaroid's management team and the company's current state of financial distress. I know first hand about the impact of the decisions made by the current management team on the employees for whom they were responsible. I've seen the impact on file clerks, on engineers, on call center representatives, on people at every level of the organization. These are people that I care about, and they are now in pain.

When I retired in July, Lawrence and I decided to see America. We had always dreamed of traveling, so we packed a camper and headed west for a three-month journey. Four weeks later, our trip was abruptly halted in October, when I realized my severance checks were not being deposited into my checking account! We abandoned our trip and returned home, knowing that something was terribly wrong.

Soon after, we discovered that our medical insurance had been canceled retroactively to the first of October. There was no notice, no warning—we simply found ourselves without medical coverage. I have Lupus and Lawrence is diabetic, so you can imagine our horror! And, while you might think that it was our being on the road that prevented notification about the cancellation of all our retirement benefits, I found that all Polaroid retirees—thousands of us—were in exactly the same boat. No one was notified about the loss of medical and other insurance coverage until days after the company filed for bankruptcy. Weeks went by before the company would even tell us whether we were covered by COBRA.

As a Polaroid employee, I received health and life insurance coverage and I contributed to a mandatory retiree savings plan. When I retired, I expected to continue my health and life insurance at Polaroid group rates and enjoy the benefits of a healthy retirement savings plan through the mandatory Polaroid ESOP. In 1997, four years before I retired, my Polaroid ESOP shares were worth $60 each. Today, those shares are worth less than a dime each.

Back in 1988, we were told that the ESOP was being established to protect Polaroid from being taken over by other companies. It did help keep us an independent company, and we rejoiced in that. In fact, we all proudly wore ID badges that called us ''employee owners''. Today, most of us wonder if it would have been better if we had been taken over.

Besides keeping the company independent, we were told that the ESOP was also supposed to mean a healthy retirement for employees. When we were in the first 10 years of the ESOP, our former CEO used to promise ''95 in 95'' (in other words, that our shares would be worth $95 a share in 1995). At $95 a share, my retirement savings plan would have been worth about $285,000. Now it is worth less than $300.

Under the mandatory ESOP, all employees were forced to participate by contributing 8 percent of their pay. We were told this was necessary to help fund the $300 million Polaroid had borrowed to fund the ESOP. None of us had a choice. No one could choose not to invest in the ESOP, regardless of whether our personal circumstances allowed us to ''give up'' 8 percent of our pay. When the first ESOP was paid off in 1997, Polaroid started a second ESOP (ESOP II), which continued the employees' forced investment in Polaroid stock.

My 8 percent contribution purchased Polaroid common stock, which I could not sell over that 13-year period, no matter how well or how poorly the stock performed. The only exception was the legal requirement that we be allowed to diversify holdings the year after we reached age 55. We had absolute faith the ESOP would be there to supplement our pension fund and social security. We never envisioned that we would be creditors of a bankrupt Polaroid. The ESOP was promoted as a guaranteed retirement savings, which ''forced'' employees to save money for retirement. Thousands of employees relied on the ESOP stock to fund their retirement savings.

Unfortunately, by forcing us to invest heavily in Polaroid stock for our retirement, the ESOP left us with almost no savings. Prior to 1988, my retirement savings plan was diversified and consistently showed an annual positive return. Up until 1988, I had made regular contributions to the 401(k) plan offered at Polaroid. After the ESOP was forced upon us, I could no longer afford to contribute much to the 401(k). At that time, I was only making about $35,000, and 8 percent of that started going into Polaroid stock through the ESOP.

Average working people like me cannot raise their families, pay mortgages, educate their children, and still afford heavy contributions toward retirement. So, we had to rely on the ESOP as a major part of our retirement savings plan. By 1997, my ESOP holdings were worth about $160,000 when the Polaroid share price was about $60. Although it wasn't as great as ''95 in 95'', I still felt pretty good.

Unfortunately, because of the forced ESOP contributions and because I had to buy Polaroid stock, my retirement savings were now heavily invested in one stock—Polaroid—which wasn't worth much by the time I retired. What looked pretty good in 1997 at $60 a share, is today worth about 8 cents a share, as a result of the decisions of the current management team.

When I retired in July 2001, 1 took all of my ESOP shares and converted them into stock certificates. But all of those who were forced to invest so heavily in Polaroid stock cannot even say today that they own the stock. We later learned that State Street Bank & Trust, the trustee of the fund, started liquidating Polaroid's ESOP shares in mid-November 2001, and completely liquidated the fund by mid-December 2001. After the liquidation was complete, Gary DiCamillo, Polaroid's current CEO, sent out a letter on December 10, 2001 to all employees notifying them that ''it was in the best interest of participants in the ESOP fund to liquidate all shares.''

I would like to emphasize that these ESOP participants—the ''employee owners''—had absolutely no opportunity to approve this sale—it was done completely without their knowledge. Neal D. Goldman, the current Executive Vice President, General Counsel and Chief Administrative Officer, sent a December 18, 2001 letter to ESOP participants stating that an approximate total of 7.2 million shares had been sold at about 9 cents a share.

If you do the math, that means shares of $687,000 in total value to be shared among thousands of participants. This is a stunning loss, since in 1997, the ESOP fund had an approximate value of $480 million. What baffles us is this: if the Trustee were truly acting in our best interest—to protect our retirement savings—why did they wait to sell the stock until it was virtually worthless? The stock has been on a downhill slide since 1997. Why not sell when it reached $ 10 a share 2 years ago? After all, this was a retirement savings plan! Why not when it reached $5?

They could have sold it to protect our interests, even if we could not. Why not at least sell when Polaroid filed for bankruptcy and the stock was trading at about 70 cents a share? Many of us cannot understand how the trustee of a retirement savings plan acted ''in our best interest'' given this set of circumstances. Not only that, the liquidation of those shares means the ''employee owners'' have almost no influence. We used to own almost 20 percent of the company. Now we cannot even vote on the Polaroid bankruptcy and related matters.

I still own all of my ESOP shares of Polaroid stock, which I will not sell, out of principle. But the recent demise of Polaroid has left me with a loss of approximately $200,000 in retirement savings. All of this is money that I would have contributed all along to my 401 (k) had I not been forced to participate in the ESOP. If I had been able to contribute that money into a diversified 401K program, I am certain it would now be worth more than $300.

With the complete loss in value of my ESOP-funded retirement savings, and loss of severance pay that I was contractually entitled to receive after leaving Polaroid, retirement looks quite different from what we had planned. When we were young and first married, we went grocery shopping with a calculator. We used the calculator to be sure we only spent what we could afford, and we put back what we could not afford.

After 35 years of working at Polaroid, I now worry that I will have dig out that old calculator again. My husband and I never wanted to be wealthy—we just wanted to be secure in retirement. Medical coverage alone now costs us around $7,500 a year. I will probably have to find a job later this year so that I can get medical coverage through another employer. However, with the job market being so tight, I'm not sure how easy it will be for a ''retiree'' aged job seeker to find an employer.

As a former Polaroid manager, I continue to get countless calls from employees who formerly reported to me. They want to know how Polaroid could sell their ESOP shares without their permission. They want to know how it was in their ''best interest'' to sell the ESOP holdings at 9 cents per share, when their average investment cost was around $25 per share. I also get calls from other retirees like myself who have been dumped by a corporation that we helped build, and that once cared about us. Unfortunately, I can't answer these very important questions. However, I do know that most long-term and former employees strongly believe Polaroid has a fighting chance to survive this restructuring, to thrive again, and to reinstate the value the shareholders have lost.

Perhaps selling the ESOP shares was not ''in the best interests of participants in the ESOP fund'' as Mr. DiCamillo explained, but rather in the best interests of Mr. DiCamillo and Polaroid's current management. These are the people who are now working diligently to sell off the company instead of working on a plan to restore Polaroid, which is truly ''in the best interests'' of all current and former employees, as well as shareholders and creditors.

Thank you.

INCREASING FUNDING FOR STATE APPROVING AGENCIES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Committee on Veterans' Affairs, today I am introducing on behalf of Mr. EVANS, Mr. SIMPSON, Mr. REYES, Mr. FILNER, Mr. BAKER, Mr. PICKERING, Mr. SHOWS, Mr. KING, Mr. SANDERS, Mr. BALDACCI, Ms. CARSON, Mr. REYNOLDS, and Mr. MOORE, a bill to increase funding, for State Approving Agencies (SAAs).

Some of my colleagues are familiar with the work of SAAS, but for those who are not, these vital institutions review and evaluate for approval in each state, programs of education that are offered by educational institutions under the Montgomery GI Bill and three other VA veterans' educational assistance programs. SAAs usually operate through state departments of education or postsecondary education commissions. SAAs also approve employer sponsored on-job training and apprenticeship programs, some through state departments of labor.

The need to increase funding for SAAs primarily reflects the new SAA duties in occupational licensing and credentialing and veteran, servicemember and employer outreach in each state.

In recent years, Congress has increased SAA responsibilities, most recently through enactment of Public Law 107–103, the Veterans Education and Benefits Expansion Act of 2001. This landmark legislation increased the basic MGIB benefit by 19 percent in January 2002 to $800 per month from $672. It will also increase 30 percent in October 2003 and 39 percent in October 2004 when the benefit again increases to $900 and $985, respectively.

But as important as these enacted increases for the MGIB benefits are, our veterans will not be able to take full advantage of the improved educational opportunities unless the SAAs are given the resources necessary to certify high-quality educational programs.

From fiscal years 1995 to 2000, SAA funding was ''capped''—without an annual increase—at $13 million. In Public Law 106–419, enacted on November 1, 2000, Congress increased SAA funding to $14 million, but only for fiscal years 2001 and 2002. If Congress does not act, in fiscal year 2003 the SAA budget reverts back to the $13 million level. In effect, our inaction would return SAAs to the FY 1995 funding level, and they would be unable to guarantee our nation's veterans that their hard-earned MGIB benefits will be safeguarded against scam-artists and flimsy programs that seek to exploit veterans.

Indeed, since World War II Congress has relied on SAAs to ensure the quality of the education and training offered to our Nation's veterans and to protect the integrity of VA education programs popularly known as the ''GI Bill.'' My proposal simply increases SAA annual funding from $14 million to $18 million, with a three percent increase the following two years, in order to provide SAAs with the resources necessary to fulfill their responsibilities.

I strongly urge my colleagues to support this legislation.

TRIBUTE TO OVERLAND TRAIL MIDDLE SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate the students and staff of Overland Trail Middle School of Brighton, Colorado for their work in a recent charity clothing drive. Over the course of one week, the students and parents combined to donate 850 pounds of clothing to needy residents of the town of Brighton.

This is yet another example of the schools dedication to improving the world in which we live. In the fall of 2001, the students contributed to the Twin Towers fund which was set up to support the families of uniformed service personnel lost in the September 11 tragedy. The *Fort Lupton Press* writes, ''. . . it's nice to see area students contributing their time and money to such worthy causes around the Brighton area as well as on the East Coast.''

It Is an honor for the state of Colorado to have such a generous group of students, teachers, and parents. Philanthropic work is a great legacy of the United States and I am proud to see that it is being carried by citizens of all ages. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to the students, staff and parents of Overland Trail Middle School.

PAYING TRIBUTE TO THE 2002 BEA CHRISTY AWARD NOMINEES

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the 2002 Bea Christy Award Nominees, who will be honored Friday, February 15, 2002 in Lansing, Michigan for their contributions to improve their communities and neighborhoods.

Bea Christy was a dedicated member of the Eastside Neighborhood Organization for more than ten years until her death. She also worked with other organizations to make the neighborhood and community a better place to live. She was the kind of individual who volunteered to do the ''unglamourous'' tasks, who worked quietly and diligently behind the scenes, who never sought recognition for her efforts.

First, she was a good neighbor in her immediate neighborhood, welcoming new people, planting flowers in the church yard across the street from her house, taking elderly folks to the doctor, and noticing where the sidewalk needed repairs. She also helped edit and deliver the Eastside Neighborhood Organization newspaper, made soup for the annual fundraiser, and helped plant flowers in the bed on Michigan Avenue.

Bea was also an active member of her church, volunteered with Radio Talking Book, as well as helped to initiate the Lansing area CROP Walk. She made these contributions in addition to being a devoted wife, mother, and grandmother.

It is quiet, committed, unsung people like Bea who make neighborhood organizations successful, and the community as a whole a better place to live. It is in this spirit that individuals are nominated for an annual award exemplifying the qualities of Bea Christy. The following six criteria must be considered when making a nomination for the Bea Christy Award: variety of activities in your neighborhood organization; unsung nature of contributions; overall good neighbor; reliability; willingness to take on tasks; and, other service to the community.

Friday night, eleven deserving individuals will be recognized as 2002 Bea Christy Award Nominees. I salute the following nominees for their outstanding service to their communities and neighborhoods: Connie Sevrey, Association for the Bingham Community; Mia Tioli, River Point Neighborhood Association; Hannah Gardi, Neighbors United in Action; Mary Rawson, Northtown Neighborhood Association; Ernestine Merritt, Northwest Neighborhood Alliance; Alex Kruzel, Walnut Neighborhood Organization; Rick Kibbey, Eastside Neighborhood Association; Larry Karn, Old Forest Neighborhood Association; Ruth Hallman, Genesee Neighborhood Association; Thomas Foster, Eastern Neighbors; Kathie Dunbar, Sagamore Hill Neighborhood Organization.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to the 2002 Bea Christy Award Nominees.

IN SUPPORT OF H.R. 1343, THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to declare my strong support for H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act, and to urge its swift passage in the House of Representatives.

In the last five years, approximately 50,000 hate crimes were reported to authorities, with the brutal murders of Matthew Shepard and James Byrd graphically demonstrating to the nation the horrors of violence motivated by hate and bigotry. In 2000 alone, law enforcement agencies in 48 states and the District of Columbia reported 8,063 bias-motivated criminal incidents.

Unfortunately, five states have no laws against hate crimes, and the statutes in another eighteen states fall short of full protection. Even in a state such as Rhode Island, where we have strong laws against hate crimes, law enforcement officials recorded 50 cases of bias-motivated offenses in 2000. Because the current federal hate crimes law only covers crimes motivated by racial, religious or ethnic prejudice, Congress must enact legislation to establish a strong national standard for prosecuting all hate crimes.

To ensure that no American is targeted for violence based on prejudice, I am an original cosponsor of the Local Law Enforcement Hate Crimes Prevention Act, which would provide federal assistance to state and local authorities in prosecuting hate crimes. Additionally, the legislation would expand the federal definition of hate crimes to include violent acts motivated by prejudice against the victim's sexual orientation, gender or disability.

I urge my colleagues to cosponsor this important piece of legislation and to demand its immediate consideration in the House. I also wish to express my gratitude to the bill's author, Congressman JOHN CONYERS, as well as to Congresswoman LYNN WOOLSEY, for their leadership on this important issue. I am confident that we will be able to work in a bipartisan fashion to pass H.R. 1343 and bring an end to hate-based crimes in the United States.

TRIBUTE TO HAZEL GARDNER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate Hazel Gardner of Eckley, Colorado. Mrs. Gardner was recently recognized for her fifty years of volunteer work for 4–H at a banquet held in honor of local 4–H leaders.

Mrs. Gardner is a life-long resident of the eastern plains of Colorado and has been active with 4–H since she was nine years of age. In addition to raising her three children she has volunteered with 4–H groups and with state-level governing boards. Fifty years later, she continues to work with children in the program to which she has devoted much of her life.

4–H is a nationally recognized program that boasts the honor of having a chapter in every county in the nation. Over 6.8 million youth participated in 4–H in 2000 with the addition of 610,000 adult volunteers. The 4–H mission is ''building a world in which youth and adults learn, grow, and work together as catalysts for positive change.''

It is an honor for the state of Colorado to have such an esteemed woman who has dedicated so much of her life to improving the lives of community children. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Mrs. Hazel Gardner.

THE NATIONAL VACCINE INJURY COMPENSATION PROGRAM IMPROVEMENT ACT OF 2002

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BURTON of Indiana. Mr. Speaker, I'm proud to be introducing legislation today to help families that are trying to cope with children who have suffered vaccine-related injuries.

Vaccine injuries may be very rare, but when they do occur, they're devastating. Fifteen years ago, we created the National Vaccine Injury Compensation Program. It was supposed to be generous. It was supposed to be non-adversarial. It was supposed to compensate families without tying them up in court for years.

Too many times, this program hasn't worked the way we intended. Last fall, we held two hearings. We heard testimony from parents of injured children. We heard testimony from husbands of injured wives. They told us about long delays. They told us about overly adversarial tactics. They told us about having to fight for years over injuries that are widely acknowledged to be related to vaccines. We've also heard from families who learned about the program too late to file claims. There is a bipartisan consensus that reforms are needed.

Not every family has faced these kinds of problems. Many families have worked their way through the system without facing the kinds of ordeals we've heard about. However, too many families have faced too many problems for us to sit by and do nothing.

I want to thank HENRY WAXMAN, the Ranking Minority Member of the Government Reform Committee for working with me to put this bill together. I want to thank DAVE WELDON, one of our subcommittee chairmen, for working with us as well. I also want to thank our other original cosponsors, JERROLD NADLER, CONSTANCE MORELLA, BENJAMIN GILMAN, STEPHEN HORN, MARTIN FROST, JOHN DUNCAN, DENNIS KUCINICH, JO ANN DAVIS and TOM DAVIS.

This bill doesn't do everything we'd like to do to fix this program. It's not going to eliminate some of the problems families are encountering. However, I think it's a good first step. I think it's a realistic assessment of what we can accomplish this year. This bill does some very worthwhile things: It changes the calculation for future lost earnings for injured children to make it more generous.

It increases the level of compensation a family receives after a vaccine-related death from $250,000 to $300,000. It allows families of vaccine-injured children to be compensated for the costs of family counseling and creating and maintaining a guardianship to administer the award. It allows for the payment of interim attorneys fees and costs while a petition is being adjudicated. It extends the statute of limitations for seeking compensation to six years instead of three. It provides a one-time, two-year period for families to file a petition if they were previously excluded from doing so because they missed the statute of limitations.

I want to briefly mention a couple of the stories we heard during our hearings so my colleagues will have a better understanding of the kinds of problems families are facing.

The first story involves Janet Zuhlke and her daughter Rachel of Florida. Rachel received her pre-kindergarten vaccinations in 1990. Within 6 hours, she had a severe reaction. Within three weeks, she was in critical condition and had to be medi-vac'd to a hospital. Today, Rachel is a mentally retarded teenager. She suffers from periodic bouts of blindness and severe neurological breakdowns that leave her confined to a wheelchair.

Rachel's condition is known as an encephalopathy. Medical experts agree that this is one of the most common injuries caused by vaccines. The connection is so well-established, it's written into the table of vaccine injuries in the law. Despite this, the government attorneys fought for nine years to try to prove a questionable theory that Rachel's injury was caused by a strep infection. For nine years, Janet Zuhlke has had to pay all of Rachel's medical bills without any help.

Last year, she finally won her case. But the process drags on. It could still be another year before the Zuhlkes receive a penny.

Next, I want to talk about the case of Lori Barton and her son Dustin of Arizona. Dustin received a DTP shot in 1989. He began to have subtle seizures within hours. Eventually, he was diagnosed with residual seizure disorder and he became legally blind.

The Barton's filed for compensation, but the government lawyer assigned to the case set out to prove that Dustin's seizures didn't start as soon after the shot as Lori claimed. At their first hearing in 1993, that lawyer's tactics were so abusive that she was reprimanded by the special master overseeing the case. Lori Barton testified that she felt like she was being treated like a criminal. It took them four years to get to the next hearing, in August 1997. Three months later, Dustin suffered a massive seizure and died.

In 1999, eight years after the Bartons filed their petition, they were finally awarded compensation. But there was one final hitch. The government threatened to appeal the decision unless the Barton's agreed not to have it published so it couldn't serve as a precedent for other families. That's wrong, and we shouldn't accept it.

As I said before, every family that enters the program isn't treated this way. Not every government lawyer is abusive. There are many people who work in this program who sincerely want to help these families. But these aren't isolated incidents. We have real problems here, and Congress needs to address them. For many of these families, the deck is stacked against them, and that's not right.

I want to thank my colleagues who've worked with me to put together this legislation—the National Vaccine Injury Compensation Improvement Act of 2002. It has strong bipartisan support. There are other problems that go beyond the scope of this bill, and we need to address those. But this is a good first step. I hope all of my colleagues will support it.

IN HONOR OF CHRISTOPHER ELDERS, RECIPIENT OF A 2002 RHODES SCHOLARSHIP

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HILLIARD. Mr. Speaker, I rise today to honor and pay tribute to Christopher Elders, a 2002 Rhodes Scholar. On Tuesday, February 12, 2002, Mr. Elders was acknowledged for his outstanding achievement at a dinner reception hosted by U.S. Congressman John Lewis.

A political science major at Morehouse College, Christopher Elders is the only African-American among the 32 students in the United States named to the 2002 Class of Rhodes Scholars. Currently, he serves as the Deputy Executive Director of the Morehouse College Student Government Association (SGA). In this role, he heads the committee responsible for redrafting and modifying the college's code of ethics. Prior to his stint as Deputy Executive Director, Mr. Elders served as an SGA Senator from 1998 until 2000.

While at Morehouse, Elders has done a remarkable job of balancing his academic achievements with his civic responsibilities. He has worked tirelessly as a tutor and mentor to several students enrolled in Atlanta inner-city public schools. In addition, he has served as a volunteer with AID Atlanta, a private agency

that promotes AIDS awareness and prevention.

A Kansas City, MO native, Christopher Elders graduated from Raytown South High School. This fall, he will matriculate at Oxford University in International Relations.

Today, I ask my colleagues to join me in honoring Christopher Elders for his selfless community service and tremendous academic achievements.

REGARDING THE TESTIMONY OF KARL V. FARMER

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. DELAHUNT. Mr. Speaker, Mr. Karl Farmer, a retiree of the Polaroid Corporation, testified before the Senate Committee on Health, Education, Labor and Pensions last week. I would like to take this opportunity to see that Members of the House also benefit from his powerful testimony on the lack of worker and retiree protections under our current pension and bankruptcy laws. I ask my House colleagues to consider his experience, and join with me in enacting new safeguards to ensure retirement security for all workers and retirees.

TESTIMONY OF KARL V. FARMER, BEFORE THE SENATE COMMITTEE OF HEALTH, EDUCATION, LABOR AND PENSIONS

Good morning. My name is Karl Farmer, and I am a former Polaroid employee and chairman of the Official Committee of Retirees for Polaroid Corporation. I am also accompanied today by counsel for the Official Committee of Retirees, Scott Cousins, of Greenberg Traurig, as well as Betty Moss, another former Polaroid employee.

I am 55 years old. I have lived in Roxbury, Medford, Bedford and Lawrence, Mass., and I recently moved to New Hampshire.

I started working for Polaroid more than 30 years ago as an engineer and became a retiree after I left the company on September 29, 2001. At the time I started with the company, Polaroid was one of THE places to work. It was an especially good company for minorities, very progressive. Polaroid was doing affirmative action programs before it became fashionable or mandatory. It was a family company with a caring upper management.

Up until 1988, 1 had begun to save for my retirement by contributing 2% of my pay to the Polaroid 401 (k). Polaroid matched that contribution dollar for dollar so that I was able to start building for my retirement with a diversified retirement plan.

But in 1988 Polaroid started the mandatory ESOP plan which required employees to contribute 8% of their pay to the ESOP plan. I had always understood that most ESOP plans did not require workers to contribute to them, but Polaroid required that we contribute to this one.

Because of the mandatory requirement that we contribute to the ESOP, I was no longer financially able to contribute to my 401(k). As a result, my retirement was then tied up almost exclusively with the ESOP and Polaroid stock. I have not figured out how much money I would now have if I had continued to contribute to my diversified 401 (k) instead of the ESOP, but I am meeting with a financial advisor from Fidelity next week, and I'm sure they'll be able to tell me the bad news.

I didn't really realize the danger of not being allowed to diversify my retirement account until August 2001 when I was told my job was being eliminated, and I was promised a severance package, which included medical, dental and life insurance coverage at employee prices for six months, along with six months severance pay. This transition period actually took me to retirement—where I could count on my ESOP and pension plans.

The day I was to receive my first severance payment I called to verify that it was being deposited. I later learned that many people who were supposed to receive severance payments that day did not, and the next day Polaroid declared Chapter 11. As a result, Polaroid is not paying my severance, or providing the medical, dental or life insurance it had agreed to. I have been left unemployed with no benefits. I had to break a lease and vacate my apartment. I had also taken out two loans on my 401 (k) plan, and I will now be unable to pay those back. As a result, I'm also going to be hit with a huge tax penalty for making withdrawals on my 401 (k).

As for my ESOP plan, I had 3500 shares which, at their peak, were worth about $210,000. Without asking me, or apparently anyone else, management decided to liquidate these shares for about $300.

We learned, after the fact, that State Street Bank & Trust, the trustee of the fund, started liquidating Polaroid's ESOP shares in mid November 2001, and completely liquidated the fund by mid-December 2001. After the liquidation was complete, Gary DiCamillo, Polaroid's current CEO, sent out a letter on December 10, 2001 to all employees notifying them that ''it was in the best interest of participants in the ESOP fund to liquidate all shares.''

Many of us cannot understand how the trustee of a retirement savings plan acted ''in our best interest'' by selling the ESOP stock when it reached 9 cents a share. Not only that, the liquidation of those shares means the ''employee owners'' have almost no influence. We used to own almost 20% of the company. Now we cannot even vote on the Polaroid bankruptcy and related matters. We decided to try to influence the process, even if we were disenfranchised former owners of the company. It took a big effort to pull folks together to fight for what's been promised. People are scattered and we do not have lists of everyone who has been affected. Still, we organized. I'm the chair of the Official Committee of Retirees of Polaroid, which was recently recognized by the bankruptcy court. This allows us legal representation with the bankruptcy proceedings.

The offices of both Senator Kennedy and Representative Delahunt have worked very diligently with us in our fight for justice. And recently a letter was sent to Polaroid's CEO from the entire Massachusetts Congressional delegation denouncing Polaroid's actions. Our committee and its constituents thank you and the other members of the Massachusetts delegation for those clear signs of support. In the same spirit, we urge you to change the rules on ESOP programs to allow employees some control of their own destiny.

TRIBUTE TO SABRINA URAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate Sabrina Uran of La Junta, Colorado. A student at Manzanola High School, Sabrina recently published a poem titled ''God Said . . .'' in the ''Scroll Original Arts Magazine.'' This piece was the first published for the young author.

Sabrina has always held an interest in the language arts and is very excited one of her pieces has achieved professional recognition. The poem is written in the first person, as a dialogue between the narrator and God. As the Rocky Ford Daily Gazette wrote, ''Uran's work is read with a definitive rhythm, which culminates into an impacting finish.''

It is an honor for the state of Colorado to have such a young talent recognized for her abilities. It is vital that America encourages all young people to strive for their goals, and Sabrina is a shining example of a young person achieving her aspirations. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Ms. Sabrina Uran.

BURN AWARENESS WEEK

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to bring attention to Burn Awareness Week. The tragic events of September 11th have created many enduring memories. The attacks on the World Trade Center and Pentagon not only reminded us of our vulnerabilities to acts of terror but have also demonstrated the horrific nature of burn injuries.

Burn injuries are among the most painful and traumatic injuries one can suffer. Historically, few patients survived serious burn injuries, however because of significant advances in treatment over recent years, this is no longer the case.

I am privileged to have one of the leading burn treatment and research facilities in the country in my Congressional District: The Shriners Hospital for Children Burn Unit. One of four in the country, the Shriners Hospital has pioneered numerous breakthroughs in burn treatment. Not long ago, patients with burns over 50 percent of their body would probably not survive. Today, individuals with burns over 90 percent have a much greater chance of survival.

The four national burn centers run by the Shriners Hospitals treat over 20 percent of all pediatric burn injuries in the United States—more than 156,000 children last year alone. These children were treated free of charge and the hospital does not accept insurance or parental reimbursement. These hospitals provide much more than just treatment. They focus on education and prevention to ensure that burn injuries do not occur, as well as on the psychological and emotional care necessary to restore children who suffer burn injuries to full physical and mental well being.

Burn Awareness Week provides an opportunity to educate children and families about certain risks of burn injury that can be avoided. For example, the Consumer Product Safety Commission relaxed the safety standards for children's sleepwear in 1996. This resulted in a sharp increase in the number of children suffering sleep-wear related burn injuries. Shriners Hospitals have led the effort in Congress to restore stricter safety standards for

sleepwear and to educate parents regarding the dangers inherent in untreated sleepwear worn by many children.

Burn Awareness Week can help foster awareness among parents and protect young children from the horrors of burn injuries. It also focuses additional attention on the research and treatment of those burn injuries that do occur. Mr. Speaker, charitable organizations such as Shriners Hospitals deserve great credit for their outstanding work on behalf of our Nation's children. I rise today to recognize and support the efforts of the Shriners Hospital in Boston and the importance of Burn Awareness Week.

HONORING MR. LONNIE EUGENE ROARK

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to honor my uncle, Lonnie Eugene Roark, on his 80th birthday.

My uncle was born on February 11, 1922 in Missouri. He was raised in Oklahoma and lived most of his life in La Puente, California.

My uncle is an excellent father to his three children and two grandchildren and serves as a role model for many others. When his daughter's husband passed away, he assumed the role as father figure to his granddaughter. He would often take her lunch to school, school functions, and doctor visits. But most importantly, by taking on a paternal role, he filled that empty void in her life.

His acts of kindness and dedication have inspired many who know him. It is a true blessing to have been raised with a role model like him. It is not every day that we encounter a person filled with such generosity and love.

Today, I want to wish him a happy birthday and because I am especially grateful to be celebrating his 80th birthday because as he grows older, I realize how precious his life is and how he has been a great source of strength and support for our family. I, like many people who know him, admire him and love him dearly.

CHICAGO'S UNDOCUMENTED IMMIGRANTS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I would like to highlight a recently released study entitled: ''Chicago's Undocumented Immigrants: An Analysis of Wages, Working Conditions, and Economic Contributions.'' This report details the importance of the undocumented immigrant labor force to the local economy and the poor working conditions that many endure. I have included a Washington Post article that appeared on February 10, 2001 and the Executive Summary from the study, which underscores some of the study's most significant findings.

This study was carried out during the 3rd quarter of 2001 through 38 community based organizations, community colleges, social service providers, and churches. In total, over 1,600 immigrants were surveyed in the Chicago area. The results revealed that the estimated 220,000 undocumented immigrants in the Chicago area contribute close to $5.5 billion to the local economy. Furthermore, undocumented immigrants create more than 31,000 jobs, make up about 5% of the labor force, and 7 out of 10 or 70% pay income taxes through payroll deductions. The overall impact on the economy is dramatic considering immigrants without legal documentation earn anywhere from 22–36% less than those here legally.

This study provides a glimpse into the urban picture of the enormous contributions undocumented immigrants provide to our economy and the deplorable conditions under which they are subjected to work. With close to 6 million undocumented immigrants working and living in the United States, the potential impact on the national economy and the potential to improve the lives of this population through a legalization program are immeasurable, but they all point in the right direction. I urge my colleagues to look through this study and see for themselves.

[From The Washington Post Feb. 10, 2002]

CHICAGO'S UNDOCUMENTED IMMIGRANTS

(By Robert E. Pierre)

The push for the legalization of undocumented immigrants was put on the back burner after September's terrorist attacks. But a study released last week reopens the question of what they contribute to the U.S. economy.

The estimated 220,000 undocumented immigrants in the Chicago area add nearly $ 5.5 billion to the local economy, creating more than 31,000 jobs, according to the study by the Center for Urban Economic Development at the University of Illinois at Chicago. These undocumented workers make up about 5 percent of the labor market, the survey indicated—and seven out of 10 pay income taxes through payroll deductions taken by their employers.

Still, the survey of 1,653 legal and illegal immigrants living in Chicago and five surrounding counties also found that those without legal documentation generally are paid less than those who are legally in the United States. That's true regardless of their education, skill level and English proficiency, particularly among immigrants from Latin America.

''You can have two workers with exactly the same characteristics, and one will earn 20 to 25 percent less because they don't have legal status,'' said Chirag Mehta, a UIC research associate.

The Illinois Coalition for Immigrant and Refugee Rights urged amnesty for such immigrants: ''Such findings confirm the importance of a new legalization program and the positive impact that undocumented immigrant labor has on the United States,'' it said in a statement.

[From the University of Illinois at Chicago]

CHICAGO'S UNDOCUMENTED IMMIGRANTS: AN ANALYSIS OF WAGES, WORKING CONDITIONS, AND ECONOMIC CONTRIBUTIONS

EXECUTIVE SUMMARY

Undocumented immigrants are strongly committed to working in the United States and they make significant contributions to the economy. Undocumented workers account for approximately 5% of the Chicago metro area labor market and represent a growing segment of the low-wage workforce. Undocumented immigrants earn low wages, work in unsafe conditions, and have low rates of health insurance. Juxtaposed against these harsh realities is the fact that the undocumented workforce supports thousands of other workers in the local economy, pays taxes, and demonstrates little reliance on government benefits.

This study reports the findings of a survey of 1,653 documented and undocumented immigrants living in the Chicago metro area. Using a standardized questionnaire, immigrants were asked a series of questions regarding their employment status, wages and working conditions, access to health care, utilization of government safety-net programs, demographic characteristics, and legal status. The key questions that guided this analysis include:

To what extent does working without legal status increase the likelihood of unemployment and depress workers'wages?

To what extent do undocumented immigrants more often work in unsafe working conditions?

To what extent do undocumented immigrants utilize government safety-net programs?

What economic contributions do undocumented immigrants make to the local economy?

KEY FINDINGS

1. Labor force participation and unemployment

Undocumented immigrants seek work at extremely high rates (91%), and most do not experience unemployment at rates that are significantly different than the Chicago metro area average. However, undocumented Latin-American women experience unemployment rates that approach 20%, five times as high as the average unemployment rate for the remainder of the undocumented workforce. Factors that significantly increase the likelihood of unemployment include:

the combined effect of undocumented status, being female, and being of Latin-American origin;

the lack of dependent care; and

obtaining work through temporary staffing agencies.

2. Wages

Most undocumented immigrants are employed in low-wage service and laborer occupations. Approximately, 30% of undocumented immigrants work in restaurant-related, hand-packing and assembly, and janitorial and cleaning jobs. The average (median) hourly wage earned by undocumented workers is $7.00.

All else being equal, working without legal status, in combination with the effects of national origin and gender, induces significant wage penalties for Latin Americans:

Undocumented Latin-American men and women experience statistically significant wage penalties—22% and 36%—respectively-after controlling for length of U.S. work experience, education, English proficiency, and occupation.

Eastern-European women experience wage penalties as a result of their national origin and gender, but they do not experience penalties associated with their legal status.

Eastern-European men, documented Latin-American men, and immigrants from Asia, the Middle East, and Western Europe do not experience wage penalties associated with their national origin, gender, or legal status.

Factors including English proficiency, unionization, and obtaining employment in higher-paying occupations help undocumented Latin Americans earn higher wages. Educational attainment, however, does not have significant positive wage effects for undocumented Latin Americans. Importantly,

attaining additional levels of education, having English proficiency, and accumulating additional years of U.S. residency do not neutralize the negative wage effect of working without legal status.

All else being equal, securing work in higher-wage occupational categories induces significant wage advantages to undocumented workers and neutralizes the negative wage effect of working without legal status. However, undocumented status limits Latin Americans' access to higher-wage white-collar jobs.

3. Working conditions

Undocumented immigrants report working in unsafe conditions at considerably higher rates relative to immigrants with legal status. Moreover, immigrants without legal status also report alleged wage and hour violations at considerably higher rates relative to documented workers.

Lack of access to health insurance is a significant problem for undocumented workers. Only 25 percent of undocumented workers currently employed are covered by health insurance. The most commonly reported reason for not having health insurance among immigrants who are currently employed is that their employer did not offer health insurance or the employer-sponsored plan was too expensive to access.

4. Use of government benefits and economic contributions

The vast majority of undocumented immigrants reported that they, and adults in their household, do not receive benefits under government safety-net programs, despite their low earnings. Benefit utilization is comparably low among immigrants with legal status.

The consumer expenditures of undocumented immigrants in the Chicago metro area generate more than 31,000 jobs in the local economy and add $5.45 billion annually to the gross regional product. While exact tax contributions were not calculated, the survey data indicates that approximately 70 percent of undocumented workers pay taxes.

The results of this study strongly suggest that attaining legal status would improve the wages and working conditions of undocumented immigrants. Estimating the size of any wage increase and subsequent wage effects as a result of any changes to federal immigration policy, such as legalization or guest-worker programs, is beyond the scope of this study.

The survey was carried out during the 3rd quarter 2001 through 38 community-based organizations, community colleges, social service providers, and churches. This study was made possible by a grant from the Woods Fund of Chicago.

TRAGEDY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to submit a poem written by Ariel Mason, a fifth grader in my Congressional District. Written only a few days after the tragic events of September 11th, Ariel's poem illustrates the depth and immediacy to which the youth of our Nation was touched and changed by that infamous day.

Tragedy
The skies have fallen upon our nation
The horror is overwhelming
We did nothing to deserve such cruelty
Disaster
So many innocent lives lost
To show the shadows of cackling evil
The emptiness is immense
Loyalty
Through the anguishing troubles I will
Stand proudly by the sides of my fellow Americans
And help as I may
To pull this country together once more
Pain
Sheer, pulsing pain
Coursing through the veins of victims
Both physically and mentally wounded
Troubles
Broken hearts weep sullenly
Filled with the shattered endearment
Of their lost companions
Killed by the dark-doings of murderous
Men, so like us, but gruesomely different
Mourning
America's tallest towers
So proud and free
Lost to deathly claws of our invisible attackers
Emotion
We must fight for our proof of innocence
Our dedication to our blessed land
Forever great, throughout all of eternity
Questions
Why? Who could be so terrible?
Only a luring shadow, cold and black as night
Holds our answers
Though stubbornly refusing to share them
Love
Is all we can give
To help our nation through such troubles
To be the best we can
Life ends here for many
And we cherish memories with them
But for us life will continue
Though we carry this ugly burden of a memory
Forever more
Peace
Is our solitary hope

Mr. Speaker, I commend Ariel Mason for so bravely and honestly writing this poem. As we begin to comprehend the extent to which the terrorist attacks of September 11th have affected us personally, we should look to expressions of emotion like Ariel's to help work through our own pain and confusion, and to remind us that in the face of adversity we as a country will persevere through this national tragedy.

BLACK HISTORY MONTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. VISCLOSKY. Mr. Speaker, it is with a great sense of honor that I rise to celebrate Black History Month. As we honor the great culture and historic legacy that African-Americans have left to us and to future generations, I would like to recognize the oldest African-American church in Gary, Indiana—First Baptist. On Sunday, February 24, 2002, I will have the privilege and the honor to attend the worship service at First Baptist to show my respect for the spiritual foundation on which First Baptist was founded.

It was during the Industrial Revolution when smokestacks dotted the skies along the southern coast of Lake Michigan that thousands of immigrants looking for a better life and a steady income migrated to Northwest Indiana. Many who came to Northwest Indiana, particularly Gary, were from the South. Several of the migrants who came to Gary brought with them deeply embedded religious beliefs, including a yearning for their own place of worship. This unwavering spiritual foundation led in 1908 to the creation of Gary's first African-American church, First Baptist.

In its earliest days, the first services were held in the residence of Mr. and Mrs. Rankins, in Gary, yet baptisms were performed in Chicago. The need to establish a single spiritual home for its growing family of parishioners inspired the decision to purchase a vacant lot on Washington Street in downtown Gary.

In 1917, the church moved to 2101 Washington Street and began to expand its house of worship. The expansion project was completed in 1925. A year later First Baptist church achieved a milestone; they became the first African-American church in Gary to install a pipe organ. Through most of this period of unprecedented foundation and growth, Rev. Hawkins led and guided this congregation. In June of 1944, after 31 years of service, Rev. Hawkins delivered his last sermon, for his health was deteriorating. He died four years later. His successor, Reverend L.V. Booth, took over in July of the same year.

Under Rev. Booth's devout leadership, the number of parishioners continued to grow and the church began its second major expansion project: ten new lots were purchased along 21st Avenue near Harrison Street in 1949. In 1952, during the growth phase, Rev. Booth resigned after eight years of service. However, December of the same year brought forth a dedicated new pastor, Rev. Penn. During his 21-year tenure with First Baptist, he completed the second phase of the building expansion and held a groundbreaking ceremony on May 2, 1954 on 21st Avenue, with Rev. William Jernigan, president of the National Baptist Sunday School, in attendance.

In September of 1955, the parishioners marched from the building at 2101 Washington Street to their new house of worship and current location, 626 West 21st Avenue. In its new home, First Baptist entered an era of renewed community involvement. Under Rev. Penn's guidance, the number of worshippers grew from 1,200 members in 1955 to more than 1,900 in 1972.

In 1973, Rev. Penn resigned and gave his farewell sermon. Since that time, First Baptist has succeeded in its efforts to provide spiritual guidance for the Gary community under the direction of a number of religious leaders, including: Dr. Colvin Blanford; Rev. William Booth; the Rev. Allen Smith; and its current pastor, Rev. Bennie Henson, Sr.

A congregation founded in 1908 to meet the spiritual needs of the African-American community survives today as the city's oldest African-American church. In June of this year, First Baptist will celebrate its 94th anniversary. This is a testament to the positive will, dedication and fortitude of its past and present parishioners.

Mr. Speaker, as we remember the great cultural and historic legacy of African-American heritage during this month, I ask that you and my other colleagues join me in commending the parishioners at First Baptist and all other outstanding African-American leaders for their

efforts to build a better society for our country and the citizens of Northwest Indiana.

TRADE ADJUSTMENT ASSISTANCE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. ESHOO. Mr. Speaker, the financial rewards from international trade are enormous. I know this firsthand because my Congressional district is part of the largest exporting region in our country. Trade provides enormous benefits to our economy so it is appropriate for us to dedicate a small fraction of these rewards to workers who are displaced because of trade.

Forty years ago Trade Adjustment Assistance (TAA) was created for U.S. workers who lost their jobs because of foreign competition. The program has suffered from a number of significant problems including inadequate funding for training, lack of health care coverage, and the existence of a separate program under NAFTA which has created confusion and inconsistencies in the program. TAA also does not currently cover farmers, suppliers, and downstream producers who face similar pressure from international competition.

Representative KEN BENTSEN and I have introduced the Trade Adjustment Assistance Act, H.R. 3670 to remedy these and other problems with the program. The bill harmonizes NAFTA–TAA and TAA, broadens eligibility for downstream producers, suppliers, farmers, fishermen, truckers, and taconite producers, expands income support from 52 weeks to 78 weeks and increases funding for training and TAA for firms. For the first time a healthcare benefit for displaced workers is provided and the bill establishes an Office of Community Assistance to provide technical assistance to trade impacted communities.

It is critical that we bring Trade Adjustment Assistance policies into the 21st century so that our policies actually meet the needs of our workforce. H.R. 3670 does exactly this. It reforms a 40-year-old program by embracing its original intent and combines it with the needs of a 21st century world and workforce.

ARABS AND AMERICA: EDUCATION IS THE KEY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LANTOS. Mr. Speaker, it is well known that the Middle East is a land of proud heritage and strong traditions, but recent world events have focused the world's attention on the region, casting shadows of doubt and fear. These concerns are not unfounded and they are the result of several factors. In an opinion article entitled ''Arabs and America: Education is the Key,'' published in the Washington Post on February 12, the eminent Middle East historian Roy Mottahedeh of Harvard University discusses one of the most important causes of this problem.

Dr. Mottahedeh focuses on one of the greatest tragedies of today's Middle East, the decline of liberal education. He begins his piece with a heart-breaking but telling image: boxes of catalogue cards negligently scattered on the floors of the library of Cairo University. This, by the way, is the same university that produced the Nobel Prize winning novelist Naguib Mahfouz and so many other eminent Egyptian intellectuals. He makes the provocative point that it is in our interest to do all in our power to support liberal education in Egypt and the wider Middle East. Rather than try to educate an English speaking elite here in the U.S., we need to help build a culturally acceptable educational system of liberal values over there.

The decline of liberal education in the Middle East, particularly in the Arab world's cultural and intellectual center, Egypt, is a tragic fact. I am reminded of Dr. Fouad Ajami's article a few years ago, where he pointed out, shockingly, that Egypt produces merely 375 new books per year, whereas Israel, with less than one-tenth population, produces 4,000. Indeed, the sad state of education is one of the primary reasons for the poverty and political backwardness of our key Arab ally and, indirectly, for an environment that produces, and exports, violence and extremism.

Mr. Speaker, I urge my colleagues to read Roy Mottahedeh's excellent and thought provoking article, and I ask that the text be placed in the RECORD.

[From the Washington Post, Tuesday, February 12, 2002]

ARABS AND AMERICA: EDUCATION IS THE KEY

(By Roy Mottahedeh)

Anyone who has seen the card catalogue of Cairo University Library will understand how tragically far Egypt and many poorer Muslim nations are from achieving the goal that President Bush rightly said in his State of the Union address is the object of parents ''in all societies''—namely, ''to have their children educated.'' The boxes of catalogue cards scattered on the floor are emblematic of the way that poverty has caused higher education to unravel in the once proud universities in most parts of the Muslim world.

Americans can and should do something about it. There is a real longing—both on the American and the Muslim side—for dialogue; and education is the obvious prerequisite for dialogue. It was President Mohammad Khatami of Iran who first called for a ''dialogue of civilizations,'' which the United Nations adopted as a theme for the last year.

Americans have long been committed to education in the Muslim world. The venerable American Universities of Beirut and Cairo, as well as our outstanding Fulbright programs, have produced scholars who have had the personal depth of experience to interpret cultures to each other.

But the results have been on a small scale. Now is the time to have the vision to create a plan that will, through education, create the conditions for true and extensive dialogue and also create the human capital that is essential for poorer Muslim societies such as Egypt's to advance.

It is a solid but minor contribution to the dialogue of cultures if an American historian teaches for a year in Egypt or an Egyptian mathematician comes to MIT for two years and completes an advanced degree. But it would be a major contribution to such dialogue if well-funded liberal arts institutions teaching in Arabic in Cairo offered BA's to a significant number of college-age students. For good liberal arts education in the vernacular—Urdu, Tajik, Arabic or whatever—is far too rare in the poorer countries of the Muslim world.

No one wants to ''Americanize'' others through education, but all of us want to see more educated populations whose education does not isolate them into an elite associated with knowledge of a European language. The unfortunate association of many of the educated elite with foreign language education only widens the gulf between them and their fellow countrymen and makes them seem unnecessarily ''alien.''

The graduates of such an expanded liberal arts education system would be forces for economic development not only because of their skills but also because of their ability to speak authentically within their cultures as native voices, impossible to label ''agents'' of an outside culture. The Egyptian Nobel prize laureate novelist Naguib Mahfouz was a graduate of Cairo University at a time when it was such an institution. And he was a man of the people, not raised speaking English, and therefore would probably never have won a place at an expensive English-speaking university.

Why favor undergraduate education when the needs in these societies are so great? Because the enormous bulge of populations under 21 in these countries are hungry for education and understanding, and they are the future interpreters of their cultures.

Why favor education in the vernacular? Because it will reach the underprivileged, will create the textbooks and even the language of discourse, and will allow a discourse that draws on the indigenous cultures of these countries, some of which, such as Egypt, can claim a tradition of a thousand years of higher education in their languages.

Why a ''liberal'' education? Because the tradition that a ''liberal'' education teaches us to think critically and write intelligently about both the human and scientific spheres is a value that the Muslim and Western cultures have shared for more than a thousand years.

As President Bush also said in his speech: ''Let skeptics look to Islam's own rich history, with its centuries of learning and tolerance and progress.''

Cairo was once the place where Maimonides, the Jewish philosopher, studied the ideas of Avicenna the Muslim philosopher and read Aristotle as translated into Arabic by, among others, Christian Arab philosophers. But its ancient madrassas and European-style institutions of learning have fallen on very hard times (not to mention the miserable neo-orthodox madrassas springing up everywhere in the Muslim world). A new Fulbright plan that would rescue them or establish parallel institutions in Cairo, Karachi and kindred places would create forums where the dialogue of civilization would truly flourish.

TRIBUTE TO MRS. LOLA GIBBS, EDUCATOR, COMMUNITY LEADER, AND ROLE MODEL, ON HER 100TH BIRTHDAY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CASTLE. Mr. Speaker, It is with great pleasure that I rise today to honor and pay tribute to a leader in the African-American community and Delaware at large for her 100th birthday on March 30, 2002—Mrs. Lola Gibbs, a life-long teacher, leader and role model. Lola Gibbs is an outstanding, dedicated and caring Delawarean with an abundance of accomplishments that speak so highly of what she has done in the first 100 years of her life. On behalf of myself, and the citizens of the First State, I would like to honor

this outstanding individual and extend to her our congratulations on the first 100 years, and continued success for the rest of her life.

Today, I recognize Lola Gibbs for her contributions to the State of Delaware and its citizens through 47 years of teaching, 55 years as a 4–H club leader and 100 years as a role model.

Family, friends and all Delawareans can now take a moment to truly appreciate the world of difference Lola Gibbs has brought to both the African-American community, and all of Delaware. Lola Gibbs began teaching in 1922, began her first 4–H club several years later and began her second 4–H club in the early 1940's. Mrs. Gibbs was appointed President of the Kent County Teachers Association in 1969 before taking on volunteer work in The Eastern Star, AARP The Woman's Auxiliary of the Smyrna Home for the Chronically Ill, and Star Hill Church.

Lola Gibbs has spent all of her life helping the community and all of Delaware. Mrs. Gibbs graduated from State College in 1922 before attending West Chester Normal. Mrs. Gibbs was then appointed to teach at Reeves Crossing School where she initiated a program that taught children music and allowed them to hold concerts in order to raise extra money for books. After her tenure at Reeves Crossing, Mrs. Gibbs moved back to her hometown school, Woodside. On June 9th, 1931 Mrs. Gibbs, né Bowers, married Edward Gibbs.

Mr. Speaker, in the past, with the help of her husband, and today with the help of her children, grandchildren and great grandchildren, Lola Gibbs and her family proudly and unselfishly contribute every day to the lives of Delawareans.

Mrs. Lola Gibbs' contributions cannot be commended enough. As she reaches 100 years of life, we can be sure that her contributions will not end. Her commitment to educating children and making life better for all Delawareans has earned her a permanent place in Delaware's history.

TRIBUTE TO CALIFORNIA STATE SENATOR JOHN BURTON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to my good friend and former colleague in the California State Senate, Senator John Burton. Senator Burton is being ''roasted'' this weekend at the California Democratic Party's convention in Los Angeles, California.

Born December 15, 1932, Senator Burton attended San Francisco State College and USF Law School. Senator Burton was elected president pro tem in February of 1998. He was elected to the State Senate in 1996 and represents the 3rd Senatorial District of California which includes San Francisco, Marin County, and Southern Sonoma County. He has served in the State Assembly and the U.S. House of Representatives.

Under Burton's leadership, CalGrant college scholarships became guaranteed for students with financial need who maintain a 2.0 grade point average or higher. In the first state budget enacted after he became president pro tem, Burton restored cost of living adjustments and increased benefits for the elderly, blind and disabled and for mothers and children on welfare. Burton recently ensured that mental health services and juvenile crime prevention programs received historic levels of support.

As a recent article in the Sacramento Bee stated, ''Senate leader John Burton is the type who will buy blankets and drive around San Francisco handing them out to the homeless.'' He is a man with a kind heart, golden spirit and the kind of friend I am proud to have made while I was in the California legislature. I respect him for his passion to help the needy and for his tenacity to fight for the rights of people who do not have a strong voice in government decision-making.

His daughter Kimiko is the Public Defender for the city and county of San Francisco. He is also the proud grandfather to 16-month-old Juan Emilio Cruz.

TRANSITIONAL HOUSING

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAKOWSKY. Mr. Speaker, today I am introducing the Domestic Violence and Sexual Assault Housing Assistance Act of 2002. This bill has broad bipartisan support with over 100 cosponsors. It authorizes $50 million for transitional housing assistance for those escaping the terror of violence in their homes and in their lives. At this time when we are devoting extensive resources to ending terror around the world, let us not forget to address the terror of domestic violence, sexual assault, and stalking that plagues women's lives.

In October 2000, Congress passed the Victims of Trafficking and Violence Protection Act and re-authorized the Violence Against Women's Act (VAWA). As part of VAWA, Congress agreed to support $25 million for transitional housing assistance. Though this amount would have served too few, the money was never even appropriated to this program.

The rates of violence against women are astounding. According to the Department of Justice, 960,000 women annually report having been abused by their husband or boyfriend. The actual number is significantly higher due to difficulties in reporting. According to estimates by the McAuley Institute, $50 million in funding for transitional housing would provide assistance to at least 5,400 families. Though this is not enough, we must start somewhere.

Violence against women is an epidemic that affects not only women, but their children and families as well. Every year, thousands of women flee abusive situations with few financial resources and often nowhere to go. Lack of affordable housing and long waiting lists for assisted housing mean that many women and their children are forced to choose between abuse at home or life on the streets. Furthermore, shelters are frequently filled to capacity and must turn away battered women and their children. The connection between continued abuse and lack of available housing is overwhelming. A Ford Foundation study found that 50% of homeless women and children were fleeing abuse.

Furthermore, almost 50 percent of the women who receive Temporary Assistance to Needy Families funds cite domestic violence as a factor in the need for assistance. The problem of high need is compounded by the lack of adequate emergency shelter options. The overall number of emergency shelter beds for homeless people is estimated to have decreased by an average of 3 percent in 1997 while requests for shelter increased on the average by 3 percent. Emergency shelters struggle to meet the increased need for services with about 32 percent of the requests for shelter by homeless families going unmet. In fact 88 percent of cities reported having to turn away homeless families from emergency shelters due to inadequate resources for services.

Transitional housing assistance will not only provide immediate safety to women and children but it will also help women gain control over their lives and get back on their feet. There are critical services available at transitional housing shelters such as counseling, job training, and child care that these women need to help them along the road to economic self-sufficiency.

It is now essential that we not only pass this legislation but also appropriate $50 million for transitional housing assistance and provide this critically needed safety net for women seeking to escape abuse. We must be supportive of individuals who are escaping violence and seeking to better their lives. I hope my colleagues will join me in supporting this legislation and work for its passage.

IN MEMORY OF DR. PHILIP ARNOLD NICHOLAS OF NASHVILLE, TENNESSEE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CLEMENT. Mr. Speaker, I rise today in memory of Dr. Philip Arnold Nicholas of Nashville, Tennessee, who departed this life on January 3, 2002, after an extensive career as a physician and an educator.

Beloved by all those who knew him, Dr. Nicholas was best known for his work at Meharry Medical College, where he established the gynecology department and as the founder of Planned Parenthood of Nashville.

He was born May 12, 1914 in Kingston, Jamaica, the son of Phillip Harrigan Nicholas, a civil engineer who worked on the Panama Canal, and Lillian Burke Nicholas, a caterer who ran her business from their home. Nicholas was an enthusiastic student with the dream of becoming a physician at a very young age after assisting a friend with an injury in elementary school. He received a Jesuit education at St. George's College in Kingston and later studied pharmacy at Spanish Town Hospital in St. Catherine Parish. He became a pharmacist for the Kingston Public Health Hospital, still fostering the dream of becoming a doctor.

He married Violet Richards in 1940; and in 1945, he came to the United States and entered Howard University earning his Bachelor's and Master's of Science degrees. In 1950, he began study at Meharry. For eight summers during college, graduate school and medical school, he worked 19-hour days in

order to provide for his family and earn his education. His hard work and dedication paid off, when he graduated from Meharry as a member of the Alpha Omega Alpha Honor Society in 1954. His residency in Obstetrics was completed in 1957. Dr. Matthew Walker trained him in the surgical department at Meharry. In 1957, he accepted a post-graduate program in OB–GYN at the University of Pennsylvania in Philadelphia, where as one of only two African Americans, his classmates chose him to serve as class president for the year long program.

As a respected physician, Dr. Nicholas returned to Meharry in 1958, and his tenure on Meharry's faculty ranged from 1959 to 1984 during which time he served as vice chairman of the OB–GYN surgery department for more than 23 years and as Dean of Admissions at the School of Medicine from 1967 to 1982.

Meharry honored him many times, eventually establishing two scholarships in his name. In 1984, he received the Distinguished Alumnus Award for Medicine from the National Alumni Association and in 1999, the Alumnus of the Year Award. The Meharry singers recognized him in 1985 for ''giving dedicated service to improving the academic, cultural and social life of students at the college.'' A birthing room was named for him at Hubbard Hospital in 1989, and ten years later the OB/GYN learning center was named in his honor as well. An icon has been erected in his honor at the corner of 21st and Hermosa Avenues on the Meharry campus.

Throughout his career he represented Meharry on a number of committees and medical associations, including the American Board of Obstetrics and Gynecology, the American Association of Medical Colleges, the R. F. Boyd Medical Society, and the committee for special education within the Metropolitan Board of Education.

As founding member of the Planned Parenthood Association of Nashville, he served as the first treasurer and later as a member of the Board of Directors. Additionally, he was the first vice-president of Children and Family Services in Nashville.

Outside of outstanding educational and healthcare activities, Dr. Nicholas contributed to the community as a founding member of St. Anselm's Episcopal Church, serving on the Fisk-Meharry Community Advisory Council and as a member of the Alpha Phi Alpha Fraternity.

He counted among his most rewarding contributions to the education of many family members and friends. He would often say, ''I did not invest in stocks and bonds, I invested in people. The dividends have been grand!''

Left to cherish his precious memories are his devoted wife of sixty-one years, Violet May Nicholas; his loving daughters, Gertrude Nicholas Brooks of Morganfield, KY and Dr. Allison Nicholas Metz of San Francisco, CA; granddaughter, Dr. Marilyn Nicole Metz of Loma Linda, CA; grandsons Ernest Adalbert Brooks III of San Francisco, Philip A. Nicholas Brooks of Nashville, Leon Benjamin Metz 111, Lionel Nicholas Metz and Laurence Christopher Metz, all of San Francisco; nieces, Noreen Blanche Nicholas, Audrey Nicholas Caldwell (Van), Paula DeLeon (Hixford), Maxine Ebanks (Samuel), Carinen Nicholas and Grace Lewis; nephews, Dr. Phillip Boume (Vicky), Cecil Nicholas and Dr. Earl Nicholas (Wonza); sister-in-law, Vertibelle Lewis; dear cousins, Mavis and Ferdie Madden; many grandnieces and nephews; several cousins; ''sisters'' Ruby Smith and Izetta Cooper; devoted friends, Dr. Alford and Dorothy Vassall, Drs. Myrtle and George Mason and family; Pearline Gilpin Fletcher, Joy Vassall and daughter Camille; and a host of dear friends, relatives and colleagues.

Today we honor Dr. Nicholas' significant investment to Tennessee as a truly compassionate leader and friend. Mr. Speaker, I yield back the balance of my time.

IN HONOR OF THE BAYONNE MEDICAL CENTER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the renaming of Bayonne Hospital to Bayonne Medical Center. The renaming will take place at a reception on Wednesday, February 13, 2002, in the Main Lobby of the Bayonne Medical Center.

Bayonne Medical Center's new name is a reflection of the facility's outstanding healthcare services that are provided to the community of Bayonne. What makes the Bayonne Medical Center so outstanding is its staffs commitment to the well-being of its patients, the citizens of Bayonne, as well as its wide array of cutting edge health care technology. The topnotch medical staff, nursing professionals, administrative staff, and volunteers offer patient-focused care, professional diagnostic and treatment options, and a wide range of clinical services.

For more than one hundred years, Bayonne Hospital has played an essential role in providing clinically advanced healthcare services for an ever growing and changing community. Over the past century, the medical professionals at Bayonne Hospital have not only shown their skill in adapting to great life-saving advancements in medical technology and health care services, but they have also demonstrated their commitment to our community by adapting their services to meet the needs of all of our community, regardless of race, ethnicity, culture, or income. I have no doubt that Bayonne Medical Center will continue to meet the additional challenges and advancements of the coming century, just as Bayonne Hospital has done for the past 100 years.

Today, I ask my colleagues to join me in honoring Bayonne Medical Center for providing excellent care to the citizens of Bayonne, New Jersey. Thanks for a past, present, and future of quality health care for our community.

CONGRATULATING UNIVERSITY OF SOUTHERN CALIFORNIA MEXICAN AMERICAN ALUMNI ASSOCIATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to congratulate the University of Southern California Mexican American Alumni Association (USC MAAA). Since its inception, USC MAAA has committed itself to the development of funds to provide tuition assistance grants to Latino students enrolled at the University of Southern California.

USC MAAA was founded by Raul Vargas and seven other alums, who approached the president of the university and set the parameters for the organization during the 1973–74 school year. The university offered to match the MAAA's undergraduate scholarship monies on a two to one basis, and the USC Graduate School offered to match the graduate student fellowships on a one to one basis.

USC MAAA has provided educational grants to over 5,200 USC Latino students amounting to over $8.9 million dollars. As such, USC MAAA has played a critical role in helping students attain degrees in various fields such as medicine, law, media, business, humanities, science, and social sciences.

The success of USC MAAA can be largely accredited to the leadership provided by its Executive Director, Raul Vargas. A USC alum himself, Raul Vargas recognizes the great financial obstacles that Latinos face in attaining their academic goals. Therefore, Raul Vargas has worked tirelessly to garner support for USC MAAA from prominent members of the community, so that Latino students can make their educational and career dreams a reality.

This year, USC MAAA celebrates its 27th Annual Fundraising Dinner. I ask that my colleagues join me in congratulating the work of USC MAAA.

HONORING THE LIFE OF WILLIAM B. MOGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great sadness that I rise before the House today. On January 18, 2002, Western Massachusetts lost one of its most cherished and influential citizens. Mr. William B. Moge of West Springfield passed away at the age of 93.

Bill Moge was one of a kind. A graduate of Springfield Technical High, he began a coaching career in the late 1930s which lasted until his retirement in 1984. His accomplishments in football, baseball and basketball earned him recognition by the Massachusetts High School Coaches Hall of Fame in all three sports. After his last football game, in 1983, the field at Szot Park in Chicopee, Massachusetts was named after him. His alma mater, Providence College, inducted him into its Hall of Fame in 1984.

However, Bill Moge was far more than a coach. He was a guidance counselor at Chicopee High School. He was a motivator and a disciplinarian. As a result of his teaching, his players have excelled in all walks of life, from professional sports to politics. If you talked with his players today, they wouldn't mention xs and os or game strategies. They would tell you that Coach Moge instilled confidence in each and every one of them. He taught his players how to succeed in life, not just sports. His legacy will live on forever in the players who became coaches and who have passed on his lessons to their own players.

The importance of people like Bill Moge cannot be overstated. He left a positive and indelible mark on Chicopee High School, its students and its athletes. The Western Massachusetts community will sorely miss him.

Mr. Speaker, allow me to extend my sympathy to the family of Bill Moge, his six children, ten grandchildren and one great grandchild.

HONORING THE SECOND CONGRESSIONAL DISTRICT LATINO ADVISORY COMMITTEE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today to inform my colleagues of an important constituency in the Second Congressional District of North Carolina: the growing Latino population.

Three years ago, I formed the Second Congressional District Latino Advisory Committee to reach out to North Carolina's Latino community and provide responsive representation to the needs and concerns of this rapidly expanding community. North Carolina has undergone tremendous demographic changes over the past decade, and the Latino population is the fastest growing group in our state. During my service in the U.S. House, I have worked hard to serve the needs and represent the interests of all the people of the Second District. I established this committee to reach out to some of our newest residents, to open up lines of communication, and forge strong bonds among all groups of people.

Mr. Speaker, the Latino Advisory Committee, small upon its inception, has grown to over 70 members today. Among those who have joined the Committee are the Honorable Carolina Zaragoza-Flores, the Consulate General of the Mexican Consulate in Raleigh, North Carolina, and Ms. Maribell Diaz, the Executive Director of the Hispanic Task Force of Lee County, North Carolina. I am pleased that the members of the Hispanic Advisory Committee represent a crosssection of our state's diverse Latino population.

I rely on their insight and knowledge to advise me on issues important to their community. For instance, during our last meeting held on August 23, 2001, members of the Second Congressional District Latino Advisory Committee raised a number of diverse concerns. Mr. Speaker, prior to the terrorist attacks of September 11, immigration and amnesty proposals were hot topics in Washington, and the Bush Administration was contemplating major changes in U.S. immigration policy. Latino Advisory Committee members expressed concerns that any immigration and amnesty proposal should address a number of key points: family reunification, earned access to legalization, border safety and protection, an enhanced temporary worker program, and fairness for immigrants and legal residents. However, as we all know, the terrorist attacks put immigration liberalization proposals on the backburner. It is my hope that the Congress will not forget the plight of America's immigrant families, who still need our help.

Latino Advisory Committee members also raised concerns about extension of the Section 245(i) Visa Program. Mr. Speaker, the Section 245(i) Visa Program allows illegal immigrants to apply for permanent residency while remaining in the country. Our members expressed serious concerns that the expiration of the Section 245(i) Visa Program would unnecessarily rip immigrant families apart. I believe that Congress must answer the call for fairness and justice in our immigration laws and extend the Section 245(i) Visa Program. Immigration has played a critical role in America's history, and immigrants have been essential to the development of our economy and our society. I was disappointed that conferees to the Fiscal Year 2002 Commerce-Justice-State Appropriations bill elected to omit a Senate provision that would have permanently extended this worthy program. It is my sincere hope that Congress will extend the Section 245(i) Visa Program soon.

Mr. Speaker, the next meeting of the Second Congressional District Latino Advisory Committee will be held on February 20. 1 look forward to another lively discussion with our members about ways in which I can better serve them in the U.S. House. I extend my sincere gratitude to each member of the Latino Advisory Committee for their participation in this group. The most important job I have as a Congressman is to be the voice of the people. In the Second District we have many different voices and more than one language, and contributions of our Latino Community help bring us all together as one unifying chorus. I encourage each of my colleagues to consider establishing similar committees in their own districts.

HONORING MS. ELIZABETH BROWN CALLETON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to honor Ms. Elizabeth Brown Calleton for her forty years of contributions to women's health care and family planning in the San Gabriel Valley community.

Ms. Elizabeth Brown Calleton graduated from Smith College in 1956 with a Bachelors degree in government. She continued her education and received a Masters degree in 1962 from Columbia University in Public Law and Government. A decade later, Ms. Calleton began her professional career as an Administrative Assistant in Planned Parenthood in Pasadena, California and in 1974 she became Associate Director. She has been the Executive Director since 1979.

In addition to her commitment to Planned Parenthood, Ms. Brown Calleton was past President of League of Women Voters of the Pasadena area chapter and has served on the board of Young and Healthy, Women At Work, and Planned Parenthood Affiliates of California.

Her contributions have been recognized by many including the Women of Achievement, Magna Carta Business and Professional Women, and the Pasadena-Foothill YWCA.

Although Ms. Calleton worked hard to make significant inroads on the area of women's health care, she was also able to be a great mother and grandmother to her three children and her four grandchildren.

Today I ask my colleagues to join me in honoring this remarkable woman for her contributions in the area of women's health care to the San Gabriel Valley community.

LET'S FIND A CURE FOR SCLERODERMA

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. GUTIERREZ. Mr. Speaker, on Thursday, February 7, I introduced H. Con. Res. 320, a bill to help the more than 300,000 Americans who suffer from Scleroderma. Scleroderma is a chronic, often progressive autoimmune disease in which the body's immune system attacks its own tissues.

The disease manifests itself in two forms: localized Scleroderma, effecting the skin and underlying tissue, and systemic Scleroderma, also known as systemic sclerosis, a potentially life-threatening disease that attacks internal organs including the lungs, heart, kidneys, esophagus and gastrointestinal tract.

Scleroderma can vary a great deal in terms of severity. While for a few individuals it is merely a nuisance, for many it is a life-threatening illness. For most, it is a disease that affects how they live their daily lives.

The wide range of symptoms and localized and systemic variations of the disease make it especially hard to diagnose. The average diagnosis is made 5 years after the onset of symptoms. Once diagnosed, however, people with Scleroderma can only look forward to symptomatic relief, as there is no known cure.

Symptoms may include swelling, hardening and thickening of the skin, blood vessel spasms with severe discomfort in the fingers and toes, weight loss, joint pain, swallowing difficulties, nonhealing ulcerations on the fingertips and extreme fatigue. In its more advanced forms, Scleroderma can prevent patients from performing even the simplest tasks.

Among the goals of my legislation is to help adequately fund research projects regarding Scleroderma; hold a Scleroderma symposium that would bring together distinguished scientists and clinicians from across the United States to determine the most important priorities in Scleroderma research and to establish a national epidemiological study to better track the incidence of this disease.

Mr. Speaker, I urge my colleagues to join me in bringing awareness and find a cure to this devastating disease.

HONORING SENATOR MITCH McCONNELL ON THE OCCASION OF HIS 60TH BIRTHDAY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. FLETCHER. Mr. Speaker, today I rise in the well of the United States House of Representatives to wish a Happy 60th Birthday to a statesman and one of my esteemed colleagues in the United States Senate. During his first 60 years, Senator MITCH MCCONNELL has influenced thousands of people, in both Kentucky and throughout the United States.

Born on February 20, 1942, Senator MCCONNELL demonstrated his leadership and political skills at an early age. He was elected student body president of his high school, student body president of the University of Louisville College of Arts and Sciences, and president of the Student Bar Association at the University of Kentucky College of Law. After graduating from law school, Senator MCCONNELL quickly ascended Washington politics as an intern for U.S. Senator John Sherman Cooper, chief legislative assistant to U.S. Senator Marlow Cook, and deputy assistant general under President Gerald R. Ford.

After serving in Washington, Senator MCCONNELL returned home to Kentucky to help build the Republican Party he loves so much. He was elected as County Judge-Executive in Jefferson County in 1978 and to the United States Senate in 1984. He is the only Republican in Kentucky history to be elected to three full terms in that esteemed body.

Since arriving in the Senate, Senator MCCONNELL has achieved recognition as being one of Washington's most influential people. He is the Ranking Member of the Senate Rules Committee, the Ranking Member of the Senate Foreign Operations Appropriations Subcommittee, a senior member of the Senate Agricultural Committee, and a member of the Senate Judiciary Committee. Senator MCCONNELL's committee assignments position him well to champion issues that matter to Kentuckians.

Perhaps one of the biggest honors of Senator MCCONNELL's political career came in January 2001. As the Chairman of the Joint Congressional Committee on Inaugural Ceremonies, he directed the planning and production of President George W. Bush's Inauguration as the 43rd President of the United States. Not only did he serve as emcee of the 2001 Inauguration Ceremony and escort President Bush throughout the day's historic events; he also helped coordinate the ''Bluegrass'' Inaugural Ball.

Along with the long list of accomplishments in his political and professional life, Senator MCCONNELL is a committed husband to his wife, Secretary of Labor Elaine Chao, and a loving father to his three daughters: Elly, Claire, and Porter.

On Senator MCCONNELL's 60th Birthday, I think it is important to thank him for the guiding light he provides to other folks in Kentucky. I speak personally and on behalf of a number of Republican candidates who have been inspired and helped by Senator MCCONNELL's leadership. He taught us that Republicans can win in Kentucky.

Mr. Speaker I would ask my colleagues in the United States House of Representatives to join me in wishing him a very happy birthday and continued service for Kentucky and America.

TRIBUTE TO WALLACE E. GOODE, JR.

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to recognize my constituent, Mr. Wallace E. Goode, Jr., who will be awarded the Franklin H. Williams Award by the U.S. Peace Corps this month.

Most Americans visualize the Peace Corps as groups of student volunteers working in the ''developing world.'' A far away world dogged by poverty and disadvantagement, a place we only visit through somber images of undernourished children and devastated villages on television.

However, the developing world is not necessarily that remote. In fact, it may reside within our own borders. Wallace Goode fully understands this, as Executive Director of the Chicago Empowerment Zone and an individual with a solid record of serving and helping in areas that need it most. Mr. Goode has a crucial role in the revitalization effort, as he manages the push for community self-sustainability for distressed neighborhoods in Chicago.

The Peace Corps mission pinpoints ''to help; to learn; to teach'' as core duties.

Mr. Goode learned as a student at Elmhurst College in Elmhurst, IL, a grad student at the University of Vermont and as a doctoral candidate at Loyola University while studying Educational Leadership and Policy Studies.

Early in his career of helping and giving, Mr. Goode served as Director of Rural Development in Central Africa, Community Development Field Officer in the Solomon Islands and Trainer for the U.S. Peace Corps.

Furthermore, he helped to teach others as a Dean at Allegheny College in Meadville, PA, Assistant Dean of Students at the Illinois Institute of Technology in Chicago, IL, and a Manager at International Orientation Resources (IOR) teaching fellow managers and executives how to approach business with other cultures and cross-cultural conflict resolution.

Today, he continues to advance the Peace Corps legacy of civic service by addressing Chicago's Empowerment Zone revitalization initiatives, of economic empowerment, affordable housing, public safety, cultural diversity, Health and Human Services, and Youth futures.

Each year, the Franklin H. Williams Award honors the outstanding leadership contributions that Peace Corps volunteers of color have made in the area of community service. And I can't think of a better, or more deserving recipient, and that is most likely how the Chicago Area Peace Corps Association felt when they nominated him.

Mr. Speaker, seldom do we get to sing the praises of individuals whose hard work and positive deeds improve the world. Thanks to the Peace Corps, Mr. Wallace Goode's inspiring example will not be unsung.

FARM BILL PAYMENT LIMITATIONS A NECESSARY STEP

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the February 12, 2001, Omaha World-Herald. The editorial emphasizes the importance of reviewing the purpose of farm programs. It also expresses support for limiting farm payments, which would benefit family farmers and restore public confidence in farm programs.

[From the Omaha World-Herald, Feb. 12, 2001]

WHY A FARM BILL? TO EVALUATE SUBSIDY CAP, WE NEED TO REVISIT FUNDAMENTAL QUESTIONS

A U.S. Senate amendment aimed at lowering the cap on farm subsidies to $275,000 a year for the biggest farms is a move in the right direction, although it may not be the revolutionary step its backers have portrayed.

The new limit is designed for a worthy purpose. It would prevent huge corporate farms from receiving multimillion-dollar payments, thereby removing a factor that has tarnished the subsidy program in the eyes of many Americans.

This isn't a major issue in the Midlands, where most farms are family-operated and where federal payments are much more modest.

But in the South, where large corporate operations exist, the amendment is bitterly opposed. Currently the farm program has a theoretical limit of $460,000. Corporate farmers with platoons of lawyers and accountants have found many options, including the breaking up of one operation into separate units, at least on paper. In effect, there is no limit. One Arkansas operation harvested $49 million in federal funds from 1996 to 2000.

Some observers say that Southern opposition to the cap will be enough to sidetrack the farm bill.

If debate must be extended, it would be useful if some members of both houses of Congress addressed the underlying philosophy. America has had a subsidy program for so long that its purpose is sometimes forgotten. It originated in the 1930s as a way to help small and medium-sized farms survive a period of surplus-depressed prices. But in recent years it has morphed into a safety net for an ever-widening array of food and fiber producers, whether or not they were family farmers. In effect, it subsidizes surpluses, perpetuating a cycle of low returns and pressure for more subsidies.

Congress might start by putting up the fundamental questions for review: Why do we have a farm program? To help the little guys or the big guys? To encourage surplus production or discourage it? To ensure raw materials for processors? To protect all elements of the agricultural industry from the perils of weather and market? Is the farm bill corporate welfare or community stabilization?

Once the philosophy is established, perhaps a rational debate can take place. With or without it, the lower cap backed by Nebraska's delegation and others seems sound.

Nothing in this amendment reduces the overall cost of the farm bill, which in its present form would add about $74 billion in spending over the next 10 years. But it does aim at keeping the program from being increasingly a form of income-protection for mega-farmers. In that context, the amendment deserves respect and the sponsors are right to give it a try.

INTRODUCTION OF THE MONETARY FREEDOM AND ACCOUNTABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce the Monetary Freedom and Accountability Act. This simple bill takes a step toward restoring

Congress' constitutional authority over the monetary policy of the United States by requiring Congressional approval before the President or the Treasury Secretary buys or sells gold.

Federal dealings in the gold market have the potential to seriously disrupt the free market by either artificially inflating or deflating the price of gold. Given gold's importance to America's (and the world's) monetary system, any federal interference in the gold market will have ripple effects through the entire economy. For example, if the government were to intervene to artificially lower the price of gold, the result would be to hide the true effects of an inflationary policy until the damage was too severe to remain out of the public eye.

By artificially deflating the price of gold, federal actions in the gold market can reduce the values of private gold holdings, adversely effecting millions of investors. These investors rely on their gold holdings to protect them from the effects of our misguided fiat currency system. Federal dealings in gold can also adversely affect those countries with large gold mines, many of which are currently ravished by extreme poverty. Mr. Speaker, restoring a vibrant gold market could do more than any foreign aid program to restore economic growth to these areas.

While the Treasury denies it is dealing in gold, the Gold Anti-Trust Action Committee (GATA) has uncovered evidence suggesting that the Federal Reserve and the Treasury, operating through the Exchange-Stabilization Fund and in cooperation with major banks and the International Monetary Fund, have been interfering in the gold market with the goal of lowering the price of gold. The purpose of this policy has been to disguise the true effects of the monetary bubble responsible for the artificial prosperity of the 1990s and to protect the politically-powerful banks who are heavily invested in gold derivatives. GATA believes federal actions to drive down the price of gold help protect the profits of these banks at the expense of investors, consumers, and taxpayers around the world.

GATA has also produced evidence that American officials are involved in gold transactions. Alan Greenspan himself referred to the federal government's power to manipulate the price of gold at a hearing before the House Banking Committee and the Senate Agricultural Committee in July, 1998: ''Nor can private counterparties restrict supplies of gold, another commodity whose derivatives are often traded over-the-counter, where *central banks stand ready to lease gold in increasing quantities should the price rise.*'' [Emphasis added].

Mr. Speaker, in order to allow my colleagues to learn more about this issue, I am enclosing ''All that Glitters is Not Gold'' by Kelly Patricia O'Meara, an investigative reporter from Insight magazine. This article explains in detail GATA's allegations of Federal involvement in the gold market.

Mr. Speaker, while I certainly share GATA's concerns over the effects of federal dealings in the gold market, my bill in no way interferes with the ability of the federal government to buy or sell gold. It simply requires that before the executive branch engages in such transactions, Congress has the chance to review it, debate it, and approve it.

Given the tremendous effects on the American economy from the federal dealings in the gold market, it certainty is reasonable that the people's representatives have a role in approving these transactions, especially since Congress has an all-too-neglected Constitutional role in overseeing monetary policy. Therefore, I urge all my colleagues to stand up for sound economics, open government and Congress' constitutional role in monetary policy by cosponsoring the Monetary Freedom and Accountability Act.

[Insight Magazine, March 4, 2002]

ALL THAT GLITTERS IS NOT GOLD

(By Kelly Patricia O'Meara)

Even though Enron employees and the company's accounting firm, Arthur Andersen, have destroyed mountains of documents, enough information remains in the ruins of the nation's largest corporate bankruptcy to provide a clear picture of what happened to wreck what once was the seventh-largest U.S. corporation.

Obfuscation, secrecy, and accounting tricks appear to have catapulted the Houston-based trader of oil and gas to the top of the Fortune 100, only to be brought down by the same corporate chicanery. Meanwhile, Wall Street analysts and the federal government's top bean counters struggle to convince the nation that the Enron crash is an isolated case, not in the least reflective of how business is done in corporate America.

But there are many in the world of high finance who aren't buying the official line and warn that Enron is just the first to fall from a shaky house of cards.

Many analysts believe that this problem is nowhere more evident than at the nation's bullion banks, and particularly at the House of Morgan (J.P. Morgan Chase). One of the world's leading banking institutions and a major international bullion bank, Morgan Chase has received heavy media attention in recent weeks both for its financial relationships with bankrupts Enron and Global Crossing Ltd. as well as the financial collapse of Argentina.

It is no secret that Morgan Chase was one of Enron's biggest lenders, reportedly losing at least $600 million and, perhaps, billions. The banking giant's stock has gone south, and management has been called before its shareholders to explain substantial investments in highly speculative derivatives—hidden speculation of the sort that overheated and blew up on Enron.

In recent years Morgan Chase has invested much of its capital in derivatives, including gold and interest-rate derivatives, about which very little information is provided to shareholders. Among the information that has been made available, however, is that as of June 2000, J.P. Morgan reported nearly $30 billion of gold derivatives and Chase Manhattan Corp., although merged with J.P. Morgan, still reported separately in 2000 that it had $35 billion in gold derivatives. Analysts agree that the derivatives have exploded at this bank and that both positions are enormous relative to the capital of the bank and the size of the gold market.

It gets worse. J,P. Morgan's total derivatives position reportedly now stands at nearly $29 trillion, or three times the U.S. annual gross domestic product. Wall Street insiders speculate that if the gold market were to rise, Morgan Chase could be in serious financial difficulty because of its ''short positions'' in gold. In other words, if the price of gold were to increase substantially, Morgan Chase and other bullion banks that are highly leveraged in gold would have trouble covering their liabilities. One financial analyst, who asked not to be identified, explained the situation this way: ''Gold is borrowed by Morgan Chase from the Bank of England at 1 percent interest and then Morgan Chase sells the gold on the open market, then reinvests the proceeds into interest-bearing vehicles at maybe 6 percent.

At some point, though, Morgan Chase must return the borrowed gold to the Bank of England, and if the price of gold were significantly to increase during any point in this process, it would make it prohibitive and potentially ruinous to repay the gold.''

Bill Murphy, chairman of the Gold Anti-Trust Action Committee, a nonprofit organization that researches and studies what he calls the ''gold cartel'' (J.P. Morgan Chase, Deutsche Bank, Citigroup, Goldman Sachs, Bank for International Settlements (BIS), the U.S. Treasury, and the Federal Reserve), and owner of www.LeMetropoleCafe.com, tells Insight that ''Morgan Chase and other bullion banks are another Enron waiting to happen.'' Murphy says, ''Enron occurred because the nature of their business was obscured, there was no oversight and someone was cooking the books. Enron was deceiving everyone about their business operations—and the same thing is happening with the gold and bullion banks.''

According to Murphy, ''The price of gold always has been a barometer used by many to determine the financial health of the United States. A steady gold price usually is associated by the public and economic analysts as an indication or a reflection of the stability of the financial system. Steady gold; steady dollar. Enron structured a financial system that put the company at risk and eventually took it down. The same structure now exists at Morgan Chase with their own interest-rate/gold-derivatives position. There is very little information available about its position in the gold market and, as with the case of Enron, it could easily bring them down.''

In December 2000, attorney Reginald H. Howe, a private investor and proprietor of the Website www.goldensextant.com, which reports on gold, filed a lawsuit in the U.S. District Court in Boston. Named as defendants were J.P. Morgan & Co., Chase Manhattan Corp., Citigroup Inc., Goldman Sachs Group Inc., Deutsche Bank, Lawrence Summers (former secretary of the Treasury), William McDonough (president of the Federal Reserve Bank of New York), Alan Greenspan (chairman of the Board of Governors of the Federal Reserve System), and the BIS.

Howe's claim contends that the price of gold has been manipulated since 1994 ''by conspiracy of public officials and major bullion banks, with three objectives: 1) to prevent rising gold prices from sounding a warning on U.S. inflation; 2) to prevent rising gold prices from signaling weakness in the international value of the dollar; and 3) to prevent banks and others who have funded themselves through borrowing gold at low interest rates and are thus short physical gold from suffering huge losses as a consequence of rising gold prices.''

While all the defendants flatly deny participation in such a scheme, Howe's case is being heard. Howe tells Insight he has provided the court with very compelling evidence to support his claim, including sworn testimony by Greenspan before the House Banking Committee in July 1998. Greenspan assured the committee, ''Nor can private counterparties restrict supply of gold, another commodity whose derivatives are often traded over the counter, where central banks stand ready to lease gold in increasing quantities should the price rise.'' Howe and other ''gold bugs'' cite this as a virtual public announcement ''that the price of gold had been and would continue to be controlled if necessary.''

According to Howe, ''There is a great deal of evidence, but this is a very complicated

issue. The key, though, is the short position of the banks and their gold derivatives. The central banks have 'leased' gold for low returns to the bullion banks for the purpose of keeping the price of gold low. Greenspan's remarks in 1998 explain how the price of gold has been suppressed at times when it looked like the price of gold was increasing.''

Furthermore, Howe's complaint also cites remarks made privately by Edward George, governor of the Bank of England and a director of the BIS, to Nicholas J. Morrell, chief executive of Lonmin Plc: ''We looked into the abyss if the gold price rose further. A further rise would have taken down one or several trading houses, which might have taken down all the rest in their wake. Therefore, at any price, at any cost, the central banks had to quell the gold price, manage it. It was very difficult to get the gold price under control, but we have now succeeded. The U.S. Fed was very active in getting the gold price down. So was the U.K. [United Kingdom].''

Whether the Fed and others in the alleged ''gold cartel'' have conspired to suppress the price of gold may, in the end, be secondary to the growing need for financial transparency. Wall Street insiders agree that as long as regulators, analysts, accountants, and politicians can be lobbied and ''corrupted'' to permit special privileges, there will be more Enron-size failures.

Securities and Exchange Commission Chairman Harvey L. Pitt, well aware of the seriousness of these problems, recently testified before the House Financial Services Committee that ''it is my hope there are not other Enrons out there, but I'm not willing to rely on hope.''

Robert Maltbie, chief executive officer of www.stockjock.com and an independent analyst, long has followed Morgan Chase. He tells Insight that ''there are a lot of things going on in these companies, but we don't know for sure because much of what they're doing is off the balance sheet. The market is scared and crying out to see what's under the hood. Like Enron, much of what the banks are doing is off the balance sheet, and it's a time bomb ticking as we speak.''

Just what would happen if a bank the size of Morgan Chase were unable to meet its financial obligations? ''It's tough to go there,'' Maltbie says, ''because it could shake the financial markets to the core.''

TRIBUTE TO DON I. FOLTZ

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHIFF. Mr. Speaker, it is my honor to rise today and recognize Don I. Foltz, a proud citizen, honorable man, longtime public servant, and friend and trusted advisor. Don has dedicated his professional years to the service of countless California elected officials and communities and I am happy to honor his accomplishments today.

Don was born in Glendale, California but has spent most of his years in Long Beach, California, where he continues to reside today. He was the loving husband of Mary Lou—his lifetime personal and professional partner. He is also the proud father of two sons, David Foltz and Steven Foltz, and grandfather to Parker C. Foltz, the apple of his grandpa's eye.

Don began his long tenure in public service in 1959 as an Administrative Assistant to California State Senator Richard Richards and served in the same capacity with Assembly Member and then State Senator Joseph M. Kennick, Assembly Member Bruce Young and State Senator Paul Carpenter. He has also served as a Consultant to the Assembly Committee on Oil, Mining, and Manufacturing, as a Deputy to Board of Equalization Member Paul Carpenter, and as an advisor in a volunteer capacity to Assembly Member Bob Epple.

Don's extensive experience in press and media relations, speech writing, and researching and drafting legislation serve him well as today he works as a political advisor to many candidates and office holders throughout Los Angeles County. I have counted on Don as an advisor and trusted confident throughout my first year in office and I thank him for offering his vast knowledge of experience to me.

So it is with great pleasure that I ask all Members to join me in thanking Mr. Don I. Foltz for his contributions to our American political system and his many years of service to the people of California and our Nation.

IN HONOR OF WILLIAM JEFFERSON JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of William Jefferson Jr. in recognition of his 102nd Birthday.

William Jefferson Jr. was born in Columbia, South Carolina in 1900 to Carrie and William Jefferson Sr. He moved to New Jersey at age 13 and on to New York during his 20th year. On March 10, 1937, William Jefferson Jr. married Maybell Stevens. Together they had five daughters: Willamae, Carrie, Louise, Maybell and Theresa.

William worked for 38 years for an interior decorating company and retired at the age of 67. Nevertheless, William has continued to help his family members to this day, redesigning their apartments and houses. While living at Linden Plaza in Brooklyn, New York, he started the Garden Club and was still working there until a few years ago.

Mr. Speaker, William Jefferson Jr. has lived to see 19 different presidents, from President William McKinley to President George Walker Bush—two world wars, and countless inventions that would have been thought unimaginable at the time of his birth. I urge my colleagues to join me in honoring this man who has experienced so much.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained earlier today during the rollcall vote #19 on H.R. 2356. I ask that the RECORD reflect that had I been here, I would have voted ''aye'' on this rollcall vote.

RECOGNIZING LUCIAN ADAMS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LAMPSON. Mr. Speaker, today I rise to honor and recognize an American hero, Lucian Adams, who risked his life for his country and went far beyond the call of duty. It is my honor to salute this valiant man in his heroic efforts and his exceptional community service in the 9th Congressional District of Texas.

On April 23, 1945, President Harry Truman awarded Mr. Lucian Adams with the Congressional Medal of Honor. Mr. Adams is the recipient of this prestigious award for his brave actions during World War II. He is also the recipient of a Purple Heart and a Bronze Star. Mr. Adams served as a Staff Sergeant in the 30th Infantry, 3rd Infantry Division, under the United States Army. On October 28, 1944, Sergeant Adams was responsible for saving the lives of his company near St. Die, France.

On that fateful day, Adams and his company were stopped by the enemy while trying to drive through the Mortagne Forest to reopen the supply line to the isolated 3rd Battalion. Sergeant Adams encountered the concentrated fire of machine guns in a lone attack on a force of the German troops. Despite intense machine gun fire which the enemy directed at him and rifle grenades which struck the trees over head engulfing him with twigs and branches, Sergeant Adams made his way to within 10 yards of the closest machine gun and killed the gunner with a hand grenade.

This and other actions allowed Sergeant Adams to personally kill nine soldiers, eliminate three enemy machine guns, dismantle a specialized force which was armed with heavy artillery, and clear the wood of hostile opponents. The course of actions that were taken by Sergeant Adams would seem to be a scene directly from a movie however, all of these courses took place in a time of unsettling war.

Throughout the years, Mr. Adams has exhibited an unyielding commitment to his community and city at large. In 1986, the city of Port Arthur changed the 61st Street to Staff Sgt. Lucian Adams at the request of the Port Arthur Mexican Heritage Society. For his efforts in reaching out to the youth of Port Arthur, a scholarship fund has been set up in his name.

Mr. Speaker, Mr. Adams' life is rich with countless examples of self-sacrifice and extraordinary accomplishment in service to our great Nation. His contributions to Southeast Texas are immeasurable. He has dedicated his life to the United States Army and this country and I ask my colleagues to join me in commending Mr. Lucien Adams in serving our great nation for over 50 years.

Congratulations, Mr. Adams on a job well done. God bless you, and God bless America.

IN HONOR OF BLACK LEADERSHIP AT KEYSPAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of an outstanding organization that has been developed at KeySpan, Black Leadership at KeySpan, or BLAK, as it is known and their Chairperson, Renee McClure and Vice-chair, Ron Thompson and the entire BLAK organization, in recognition of their promotion of professional training, networking and community commitment.

In 2000, BLAK was created by KeySpan's Black employees with the support of Robert Catell—Chairman and CEO, Craig Mathews—Vice Chairman and COO, Colin Watson—Senior VP, Strategic Marketing and Elaine Weinstein, Senior VP of Human Resources, and senior management to establish an entity within the organization whose vision is: To be a resource for fostering leadership, excellence and community commitment among Black employees for the benefit of the corporation and its stakeholders.

In September of 2001, BLAK held its first ''Executive Connection'' day, providing BLAK members and the senior managers of KeySpan a forum to come together, exchange ideas, and establish relationships. BLAK recognizes that in order to be an effective organization it must develop communications throughout the corporation as a whole. As part of this effort, BLAK has taken part in one of KeySpan's monthly breakfast meetings to inform management about BLAK and has established an internal website and quarterly newsletter to keep its members informed.

BLAK has also established a number of committees to address the concerns of its members. One committee is the Community Involvement Committee (CIC). While a number of options were discussed reflecting the wide interests of its members, CIC felt that one of the most effective ways would be to become actively involved in two community high schools, and hopefully to expand their involvement with many other local schools in the future. BLAK's professional development initiatives include a resume bank, a coaching program, and a mentoring program. The variety of programs and services offered by BLAK illustrates a talented and eager membership. This membership also reflects the outstanding leadership of BLAK's Chair Renee McClure and Vice-chair Ronald Thompson. These two individuals along with the executive board, committees, advisors, and senior management continue to develop an outstanding organization that promotes growth, development and the community commitment that makes KeySpan such a tremendous asset to the community. As such, I urge my colleagues to join me in honoring this truly remarkable organization and its leaders.

HONORING THE PEOPLE OF SAN GABRIEL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor the people of San Gabriel, California as they celebrate the 75th anniversary of their legendary and beautiful San Gabriel Civic Auditorium.

Throughout its rich history, the Auditorium has played host to hundreds of performances delighting audiences from the San Gabriel Valley and around the world. The Auditorium has also been admired for its beauty and historical character by hundreds of thousands of residents of nearby cities and visitors to Southern California. The San Gabriel Civic Auditorium was designed and built by John Steven McGroarty, from nearby Tujunga, and was dedicated on March 5, 1927. McGroarty went on to become the first poet laureate of California and a U.S. Congressman from 1935 to 1939 representing the region of Southern California that I am proud to serve. McGroarty built the theater specifically for his production, ''Mission Play,'' which told the story of the founding of the California missions by the Franciscans under the leadership of Father Junipero Serra. McGroarty designed the façade of the theatre to look much like his favorite California mission, San Antonio de Padua in Monterey County. The ''Mission Play'' ran for five years and gave a total of 3,198 performances.

The theatre was closed in 1932 during the height of the Great Depression. But a group of concerned San Gabriel residents formed a citizens' committee with the goal of having the city purchase the theatre and reopen it. Thankfully, they were successful, and in 1945 the San Gabriel Civic Auditorium re-opened its doors again to the community. Since its reopening, the theatre has seen a wealth of America's greatest performers. Notables such as Frank Sinatra, Tony Bennett, Ginger Rogers, Raymond Burr, Jo Anne Worley, and even Bob Hope have graced its fine stage.

This year, the same stage will play host to a number of culturally diverse performances and festivities. The first of these performances will be the music of the Orchestra of the Californias. This newly formed orchestra is a product of bi-national cooperation. Formed by the Commission of the Californias, under the auspices of Governor Gray Davis of California, Governor Leonel Cota-Montaño of Baja California Sur, and Governor Eugenio Elorduy-Walther of Baja California, the Orchestra of the Californias has become the headline performer of a musical tour throughout California and Mexico. This is the first time that the governors of the three Californias have joined to present such a significant cultural achievement. On February 15, 2002, the San Gabriel Civic Auditorium will be the only theatre in Los Angeles County to welcome the Orchestra of the Californias. Under the direction of maestro David Atherton, the orchestra will play an assortment of classical favorites for what I am sure will be an appreciative audience.

I ask all Members of Congress to join Congresswoman HILDA SOLIS and me in congratulating the people of San Gabriel as they celebrate the 75th year of their beautiful San Gabriel Civic Auditorium.

IN HONOR OF SISTER IRENE SMITH STRICKLAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Sister Irene Smith Strickland in recognition of her one-hundredth birthday.

Irene was the first of eleven children born on February 9, 1902 in Hampton, South Carolina to Margaret and John Smith. She moved to New York City in 1927 and joined the Corner Stone Baptist Church, where she served as an Usher.

Sister Strickland was married to the late Troy Strickland who passed away in June 1988. She and Troy had one son who passed away in June of 1993. She also has one daughter in law, four grandsons, two grand daughters, and six great grandchildren,

In November of 1939 she joined Zion Baptist Church where she also served as an Usher. She also worked on the nurses unit as a personal nurse to the late Rev. B.J. Lowery.

In June of 1939, Irene was initiated into Omega Chapter #48 Order of Eastern Stars serving in all capacities. She is, a member of the 2nd Masonic District and will be celebrating her birthday on February 17 at the Ridged Masonic Temple.

Mr. Speaker, Sister Irene Smith Strickland has lived through more than most of us will ever know. It is my pleasure to join in the celebration of her one-hundredth birthday, a milestone that many of us hope to reach, As such she is more than worthy of receiving this recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

CONGRATULATIONS TO PASTOR AND MRS. W.C. SCALES, SR. ON THEIR 68TH WEDDING ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in congratulating a wonderful couple who have reached a magnificent milestone in their lives, Pastor and Mrs. W.C. Scales, Sr., who will celebrate their 68th wedding anniversary on March 7, 2002.

William C. Scales, Sr. and Myra E. Scales were united in holy matrimony on March 7, 1934, in the beautiful city of Charleston, West Virginia. Throughout their marriage, Pastor and Mrs. Scales have maintained a strong partnership, working together in ministry and giving so generously of themselves to their church and their community. After becoming a successful businessman in West Virginia, Pastor Scales moved his family to Cleveland, Ohio where there were even greater employment opportunities. As a faithful Seventh-day Adventist, he refused to work on the Sabbath, but he was able to follow his trade with Sabbath privileges. Pastor Scales and his wife faithfully served the Cleveland, Ohio Glenville

Church in practically every capacity of leadership. In 1943, Pastor Scales entered the organized work of the church as a literature evangelist in the Ohio Conference. He began conducting Bible study and was so successful that 17 of the 23 in attendance were baptized. Pastor and Mrs. Scales had many accomplishments over the years. Mrs. Scales shared her musical gift as a soloist, and her personal evangelism skills as a part time Bible Instructor. She is a fantastic cook and has a special gift of encouraging and nurturing those to whom she ministers. From 1945 to 1950, Pastor Scales became Associate Publishing Director, Allegheny Conference; from 1950 to 1966, he was a Singing Evangelist and Bible Instructor in summer evangelism; in the early 1950s, he became Lay Pastor of Bethel S.D.A. Church in Cleveland, Ohio; in 1964, he became the first full time male Bible Instructor for Allegheny Conference; from 1965 to 1971, he began working with his son, Elder W.C. Scales, Jr., as part of the Allegheny Conference Evangelistic Team and coauthored the Real Truth Bible Courses; from 1971 to 1973, he received his ministerial license, and became Assistant Pastor of Baltimore Berea Temple Church; from 1974 to 1976, he served as pastor of Asbury Park, New Jersey District; In 1976, he ordained to the gospel ministry at the Allegheny East Camp Meeting; from 1976 to 1980, he served as pastor of Portsmouth, Virginia District; in 1978, he assisted his son in conducting the Georgetown, Guyana, Crusade; in 1980, he officially retired from organized work and Mrs. Scales retired as a part time Bible Instructor. Pastor and Mrs. Scales have remained active in retirement. Among other things, Pastor Scales has authored an autobiography entitled ''Born to Win Souls,'' and coauthored with his son a book entitled ''Practical Evangelism Sermons and Soul-winning Techniques,'' and conducts workshops and occasional preaching appointments.

A TRIBUTE TO THE FLINDERS UNIVERSITY INTERNSHIP PROGRAM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. FARR of California. Mr. Speaker, today I rise to offer a tribute to Megan Wells and all the others who have contributed to the Flinders University Internship Program.

The effects of the terrorist attacks on September 11th have resonated in the hearts and minds of every American from Maine to California. Half-way around the world in Adelaide, the capital of South Australia, five of Australia's best and brightest young people were faced with a difficult decision. The question in Adelaide was simple enough. Would a group of five university students continue on with their plans to travel to Washington, DC to work in four congressional offices and a news organization as part of their American Studies degree? Fortunately for us all, the students answered with a resounding yes.

Three years ago, the Flinders University of Australia inaugurated a Washington, DC internship program for top students within its American Studies Department. Most of the interns work in congressional offices—making this program unique certainly for Australian universities and quite possibly for any university system not based in the United States. The program is directed in Washington, DC on volunteer basis by former congressional staffer, Eric Federing.

Mr. Federing's work reflects the understanding that it is in our national interest for the future leaders of the world to understand how our Congress operates. This program is based on the idea of creating lasting bonds by ''putting good people with good people in good places'' for serious, intensive internships. And, as the Australians would say, to help bridge the ''tyranny of distance.''

Since the beginning of January, I've had the pleasure to host Megan, who is completing her degree in International Studies. She has exhibited an excellent comprehension of travel and tourism issues and has played an active role in maintaining a link between the United States and Australia. She boosted our morale long before she arrived simply by wanting to venture half-a-world away. I am extremely grateful to her parents, Kerry and Peter Haysman, who have been willing to share their daughter Megan with the people of the 17th District of California.

The Flinders University internship program hits upon a modest formula for successful international exchanges in large part due to the active support of both American and Australian governments. I have not been the only member so fortunate to have participated in this program. Toula Skiladas of Broken Hill in New South Wales has worked in the office of Senator CHRISTOPHER DODD; Miranda Ramsay of Unley, South Australia has assisted Representative LOUISE SLAUGHTER and her staff; Rachel Mules of Penola, South Australia has joined my California colleague LORETTA SANCHEZ; and Patrick Armitage of North Adelaide has helped explain Washington, DC to the school-aged audiences of Channel One News.

Mr. Speaker, I wish to thank everyone involved in creating and shepherding this internship program from its initial concept to the thriving institution it has become. They have done this nation and the Australian people numerous proud acts of public service, which I hope will continue for many years to come.

IN HONOR OF W. ROGER HAUGHTON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. PELOSI. Mr. Speaker, I rise to salute W. Roger Haughton for his longstanding commitment to the San Francisco community. Roger is the Chairman and CEO of The PMI Group, Inc., ed in San Francisco. Roger was honored at the Bay Area's Junior Achievement Spirit of Achievement Gala, held on December 11, 2001, which was attended by over 500 executives of the Bay Area community. Roger was presented with the ''Spirit of Achievement'' Award, which recognizes individuals who have demonstrated exceptional entrepreneurial success, leadership and commitment to their community. The honor symbolizes the ''spirit of achievement'' that Junior Achievement instills in thousands of Bay Area youth each year through its economic education curriculum.

Roger Haughton and The PMI (Private Mortgage Insurance) Group, Inc. embody the community citizenship and spirit of philanthropy that Junior Achievement endeavors to instill in children across the Bay Area. PMI Group has also been an ardent supporter of the Bay Area community. Through its products and services, and working closely with mortgage lenders, PMI Group has developed many affordable mortgage programs to help families realize their dreams of home ownership. They believe that homeownership helps build strong families which helps build strong communities.

In addition to his role of Director, President and Chief Executive Officer of The PMI Group, Inc., Roger has a long history of active volunteerism with various affordable housing organizations including Habitat for Humanity, which has constructed affordable housing for families throughout the United States. Roger is also on the board as well as being former chairman of Social Compact, a Washington, D.C. organization dedicated to promotinc, revitalization of America's inner cities, and is also on the board of San Francisco's Bay Area Council.

I am proud to join my constituents in thanking and praising Roger Haughton for his dedication to the Bay Area community. Roger's dedication to the community through his involvement in nonprofit organizations makes him a worthy recipient of the Spirit of Achievement Award. Roger Haughton and PMI are pillars of the Bay Area community; they are servants of exemplary citizenship and spirited philanthropy. We are truly blessed for their generosity and commitment.

LEWIS AND CLARK AND GLOBAL WARMING

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BLUMENAUER. Mr. Speaker, I rise today to express my appreciation and admiration for the students of Lewis and Clark College, which is in my district and is my alma mater. Frustrated with the leadership of this country, these forward-looking students have decided to take the matter of climate change into their hands.

In order to fight global warming, the students have voted to raise their annual student fees by $10 per student per year. In fact, in a voter turnout that's twice what we see for special elections for local governments, 83.3 percent of the students voted yes. The fee increase will raise enough money to make Lewis and Clark College compliant with the Kyoto treaty through the purchase of ''offsets'' from the Climate Trust, a non-profit organization. The offset projects that the new fee would support include a web-based commuter matching system that will reduce car traffic in Portland, investments in landfill gas recovery system, and helping to preserve forests on Native American lands in the Northwest.

Studies at Lewis and Clark College have shown that increased parking fees, better transit, and a higher number of students living on campus have had a positive effect on the college's green house gas emissions. In this way,

the college is far ahead of the rest of the country in realizing what we need to do to reduce our contribution to global warming. The United States is the single largest generator of greenhouse gases, contributing one quarter of the global total.

Although the college's emissions are minimal, the students' actions are significant. Lewis and Clark is the first of what will be many colleges across the country developing a climate strategy. It is the collection of these individual actions that will make a difference and eventually shape our nation's policy. One can only hope that when President Bush presents the Administration's proposal on global warming tomorrow, it will include tough mandatory green house gas reductions.

IN HONOR OF WILLIAM R. MILLS, JR. FOR A CAREER DEDICATED TO IMPROVING WATER CONDITIONS IN ORANGE COUNTY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SANCHEZ. Mr. Speaker, I rise to pay tribute to William R. Mills, Jr. upon his retirement after fifteen years with the Orange County Water District (OCWD).

Mr. Mills was born on April 19, 1937. He received a Bachelor's Degree in Geological Engineering from the Colorado School of Mines in 1959 and went on to receive a Master's Degree in Civil and Environmental Engineering from Loyola University at Los Angeles in 1983.

Mr. Mills started his engineering career as a Second Lieutenant, Engineering Officer in the United States Marine Corps from 1959 to 1963. From there, he began a lifetime dedicated to water resource planning and development, and his efforts have proven invaluable to water supply systems in Southern California and throughout the world. From 1963 to 1966, he worked as a Civil Engineer for the Los Angeles County Flood Control District, Water Conservation Division. In 1966, Mr. Mills went on to work as a Civil Engineer for the California Department of Water Resources, until he was offered a job as President of the Planning and Development Division of the Planning Research Corporation in 1967. There he spent seventeen years directing a staff of 400 as they worked to generate water resource and wastewater reclamation investigations and designs. In the three years prior to his employment with the OCWD, Mr. Mills owned his own water-consulting firm. He was named Water Leader of the Year by the Association of California Water Agencies in 1992, received the Engineer of the Year Award by the Orange County Engineering Council, and was given the Presidential Award for Distinguished Service by the American Desalting Association in 1996. Furthermore, in 1999, he was awarded the Leadership in Engineering and Water Resources Award from the Institute for the Advancement of Engineering. He currently serves as chair of the Association of Ground Water Agencies and is chair of the Association of California Water Agencies' Water Quality Committee.

During his tenure at OCWD, Mr. Mills has been responsible for developing a long range plan for the district aimed at decreasing the agency's dependence on imported supplies and improving the quality of surface and groundwater supplies. He was instrumental in promoting a program which uses recycled water for irrigation. To date more than $200 million has been spent on the construction of water recycling plants, groundwater renovation projects, and improvements in the district's extensive groundwater recharge system. OCWD is currently in final design of the Ground Water Replenishment System, an innovative system that will use high-tech filtration to purify waste water, then pump it back into the county's ground-water basin. OCWD's groundwater reservoir provides about 75 percent of the water needs for two million residents. Thanks to the hard work, dedication, and skill of Mr. Mills, OCWD is known internationally for its innovative groundwater management programs and for promoting advanced waste water treatment technologies.

Colleagues, please join me in praise of William R. Mills' career as a globally-renowned, innovative, and forward thinking water expert dedicated to the improvement of water recycling and water storage systems for Southern California. He has dedicated his life to improving the well-being of Southern California's water and of water systems throughout the entire world. Mr. Mills is an asset to his community and to our country, and I am proud to recognize him for his contributions to the well-being of our nation's water.

AUTHORIZING A STUDY ON THE FEASIBILITY OF DESIGNATING EAST MAUI AS A NATIONAL HERITAGE AREA

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mrs. MINK. Mr. Speaker, today I am introducing a bill directing the Secretary of the Interior to study the suitability and feasibility of establishing the East Maui National Heritage Area in the Hana district of East Maui in the State of Hawaii.

National Heritage Areas contain land and properties that reflect the history of their people and may include natural, scenic, historic, cultural, or recreation resources. Conservation and interpretation of these resources are handled by partnerships among federal, state, and local governments and nonprofit organizations.

East Maui is certainly an appropriate candidate for such designation. The Alliance for the Heritage of East Maui (AHEM), with assistance from the U.S. Park Service's Rivers, Trails, and Conservation Assistance Program and the Trust for Public Land, have been working for many years to explore ways to protect and interpret the extraordinary historic and natural resources of East Maui. They have already compiled a Resource Inventory that describes East Maui's extensive archaeological sites (ancient trails, burial sites, heiau (temples), petroglyphs, canoe landings, villages, traditional agricultural complexes); historical sites (battle sites, churches, courthouses, irrigation works, bridges, fish ponds, and much more); natural resources that include Haleakala National Park and numerous native forests, endangered species, wildlife preserves, streams, unique beaches—including a green sand beach and red cinder beach; and recreational resources that include several beach parks, recreation areas, trails, and natural area reserves.

Anyone who has taken the drive along the coast of East Maui to Hana knows that this list does not begin to describe the extraordinary beauty and richness of the area. In addition to the physical attributes that make East Maui an excellent candidate for designation as a National Heritage Area, you can add a dedicated cadre of citizens who are committed to ensuring that the people of East Maui be involved in determining the future of the area. They want to be sure that local values and input are reflected in any management plan for a National Heritage Area for East Maui. Indeed, much of the research for the study has already been completed due to the dedication of the Alliance for the Heritage of East Maui. I especially want to recognize Elizabeth Russell, who has been a driving force behind this effort. The Maui County Council has also been very supportive of this initiative.

At present, most of the nation's National Heritage Areas are located east of the Mississippi River. An East Maui National Heritage Area would be a marvelous addition to this program.

HONORING DAVID DONNELLY AND CINDY BISHOP DONNELLY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of two friends and constituents, David and Cindy Bishop Donnelly. The Donnelly's will be honored by DiverseWorks, Inc., one of the nation's leading contemporary art centers, at the annual Illumination Gala on February 16, 2002. David and Cindy have been selected for their commitment to the arts in the greater Houston area.

DiverseWorks, Inc., is a non-profit art center dedicated to presenting new visual performing, and literary art. The organization's unique artistic educational and financial stability serve as a model for others across the nation. The staff members and volunteers of DiverseWorks, Inc. provide a tremendous service to young, aspiring artists throughout Houston. The talented people at DiverseWorks are leaders within our community and, this weekend, they recognize some of their most loyal supporters.

David and Cindy have been longtime champions of many civic programs in our community including the Lamar High School Parent Teacher Association. Both have served on the board of DiverseWorks, Inc. for a number of years, with David having served as treasurer for many of those years. The contributions of time and effort by David and Cindy have been instrumental in development of DiverseWorks as a mainstay in the Houston Arts Community.

Mr. Speaker, it is with great honor that I congratulate my constituents, David Donnelly and Cindy Bishop Donnelly on their recognition by DiverseWorks and I thank them for their unyielding commitment to the arts in Houston and Texas.

AMERICAN HEART MONTH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. PASCRELL. Mr. Speaker, A few years ago, I learned first-hand about the importance of preventative care for cardiovascular disease. My wife, Elsie, had a heart attack. It was a very difficult time period for her, and for our family. I am pleased to report that she is in good health today. And I can still celebrate this holiday with her. Unfortunately, not many women are as lucky as my wife. Heart disease is the number one killer of American women.

In fact, cardiovascular diseases kill more females each year than the next 9 causes of death combined. The seriousness of this disease doesn't stop there. Heart disease is our nation's number one killer and leading cause of long-term disability. We need to raise awareness to fight this disease. Preventive health care is the key to lowering the number of victims of heart disease.

Risk factors of heart disease are high cholesterol, high blood pressure, tobacco, lack of activity, and obesity. The majority of these risks can be prevented. And we can only accomplish this through education to raise awareness. February is American Heart month. I ask my colleagues to take advantage of this to spread awareness about heart disease and encourage healthy life styles.

COMMENDING NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REGARDING NATIONAL CHILD PASSENGER SAFETY WEEK

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. OBERSTAR. Mr. Speaker, I rise in support of the resolution to commend the National Highway Traffic Safety Administration for sponsoring National Child Passenger Safety Week. I also want to commend the sponsor of the legislation, Mr. CAMP, the Ranking Democratic Member of the Subcommittee on Highways and Transit, Mr. BORSKI, the Chairman of the Subcommittee, Mr. PETRI, and the Chairman of the full Committee, Mr. YOUNG, for their support of the legislation.

In 2000, motor vehicle crashes killed more than 2,300 children under the age of 15 and injured another 291,000. Six out of ten children killed in these crashes were completely unrestrained. In 2000, only nine percent of all children under the age of five rode unrestrained, but they accounted for more than one half of all child occupant fatalities. This is not acceptable.

To increase seat belt use nationwide, the previous Administration established goals to reduce the number of child occupant fatalities 15 percent by 2000 and 25 percent by 2005. Education programs, such as TEA 21's Child Passenger Protection Education Grant program, and other programs, played important roles in helping the Department meet the first of these goals. In each of fiscal years 2000, 2001, and 2002, Congress provided $7.5 million to finance the Child Passenger Protection Education Grant program in the Transportation Appropriations Act and pursuant to TEA 21. Forty-eight states, the District of Columbia, and the Territories have received grants under this program. Since 1997, the number of child fatalities resulting from traffic crashes has declined 17 percent, exceeding the previous Administration's goal of a 15 percent decline by the end of 2000. Restraint use for infants has risen to 95 percent from 85 percent in 1996, and has climbed to 91 percent for children aged one to four, up from 60 percent in 1996.

The proper use of child restraint systems can save lives, Mr. Speaker. It is essential that we continue to remind parents that all children should use restraint systems properly and to continue providing funding for grant programs to ensure that we continue to make progress in preventing deaths and injuries to children on our Nation's highways. These efforts will help us achieve our goal of a 25-percent reduction in child occupant fatalities by 2005.

Again, I want to commend the National Highway Traffic Safety Administration and its Administrator, Dr. Jeff Runge, for sponsoring National Child Passenger Safety Week. I strongly support the concurrent resolution and urge its approval.

IN RECOGNITION OF FEBRUARY AS AMERICAN HEART MONTH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BENTSEN. Mr. Speaker, I rise to recognize February as the American Heart Association Month to demonstrate the seriousness of cardiovascular diseases, including heart and stroke.

Founded by six doctors in 1924, the American Heart Association is a national voluntary health agency whose mission is to reduce disability and death from cardiovascular diseases and stroke. This organization serves as a key resource of information for heart patients, advocates, and survivors. Heart disease and stroke are two of the nation's top three leading causes of death, claiming the lives of more than 960,000 Americans each year.

The American Heart Association has titled this year's theme ''Be Prepared for Cardiac Emergencies. Know the signs of cardiac arrest. Call 9–1–1 immediately. Give CPR.'' Promoting the importance of knowing signs and symptoms of a cardiac emergency can literally be the difference between life and death. Every minute that passes without defibrillation and CPR, the chance of survival for a cardiac arrest victim decreases by 7 to 10 percent. According to the Archives of Internal Medicine, most heart attack patients wait more than two hours before seeking emergency care, initially because they do not recognize the symptoms of a heart attack. In my home state of Texas, heart disease is the leading killer, as well as nationally among women, with more than 370,000 deaths a year.

In observance of this special month, we acknowledge the researchers, physicians, health care professionals, public education professionals, and volunteers for their commitment to prevention, awareness, research, and treatment of this disease. Thanks to these workers and their unwavering resolve, the American Heart Association has established a chain of survival for victims of sudden cardiac arrest. The four links in the chain of survival involve, early access to phones and emergency exits, early CPR, early defibrillation and early advanced life support. These important tools are critical in saving a person's life when they cardiac arrest.

No one understands that better than Joel Ruby, of West University in my district, who suffered his first heart attack in his early forties. He has since undergone several angioplasty surgeries and continues to battle congestive heart failure. Although he continues his ongoing battle with heart disease, Joel has also become an active board member of the Houston Chapter of the American Heart Association. Joel's involvement is a testament to his commitment and the dedication of countless others' to the American Heart Association and the lives of people inspired by it.

Again, I wish the American Heart Association continued success on their ''American Heart Month'' and to continue their mission to reduce disability and death from cardiovascular diseases and stroke.

REMEMBER CHINA'S WORKING CLASS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SCHAKOWSKY. Mr. Speaker, President Bush will be traveling to the People's Republic of China on Saturday, February 16, 2002 to meet with the leaders of that country. He will be discussing issues ranging from the war on terrorism to improving trade relations between our two nations.

I view this trip as an important and positive part of the ongoing U.S.-China dialogue. However, I believe it is imperative that we do not ignore the suffering of the working class in China. I recently read an article in the Washington Post about the Shuangfeng Textile Factory located in Dafeng, China. According to the Washington Post, corruption has engulfed the firm, leaving thousands of workers with little pay and little hope. Top executives of the firm have forced workers to buy over priced company stock and to accept pay cuts of up to 50%, which amounts to $25 to $40 a month. Reportedly, resistance to those demands has resulted in some employees losing their jobs.

The workers attempted to acquire the attention of local and federal officials by signing petitions and staging strikes. They sat in the factory for days and nights, not even returning home to see their loved ones. During those nights, police stormed into the factory and used force to drag them outside. The police also made dozens of arrests to try and put an end to the employee uprising. In spite of all this, the government apparently took no action to investigate the case. Eventually, the workers were defeated and had to accept the terms of management and return to their jobs with broken spirits. I hope all of my colleagues take the time to read the portion of the Washington Post article that I have submitted for the RECORD.

Instances, such as the one at the Shuangfeng Textile Factory, are cause for great concern. People in China are crying out for justice and they must not be ignored. I urge President Bush to raise this issue with the leadership of China and work with them to help improve the situation. More over, the President should press China to improve its labor, environment, and human rights record in general. It is important for us to take advantage of our dialogue with China to help put an end to the suffering of so many people.

[From the Washington Post, Jan. 21, 2002]

''HIGH TIDE'' OF LABOR UNREST IN CHINA

STRIKING WORKERS RISK ARREST TO PROTEST PAY CUTS, CORRUPTION

(By Philip P. Pan)

DAFENG, CHINA.—On the fourth night of the strike, management cut off the heat. The 2,000 workers occupying the Shuangfeng Textile Factory responded by huddling together and wrapping themselves in thick blankets and surplus military coats. Even as the temperature neared freezing, they refused to leave.

Not long ago, banners on the factory walls reminded workers they were ''masters'' of the Communist state. Now, the same workers were camped on a cold floor between rows of rusty spinning machines, nursing their grievances over boiled water and biscuits.

Mostly middle-aged women, they spoke quietly of pay cuts and worthless stock shares, of corrupt officials and missing pension funds, of being cheated in China's rough-and-tumble transition from socialism to capitalism.

They spoke, too, of the risks they were taking by fighting back.

Three times, police had tried to expel them from the factory, dragging women out by the hair, jabbing others with electric batons. Three times, the workers had managed to hold on. Now, there were rumors a military police unit had been summoned to this small city 150 miles north of Shanghai.

''We know this is dangerous,'' said one young woman sitting in a corner of the vast factory floor near large spools of white cotton yarn. ''But it's too late to be scared now.''

Then, glancing out a window, she added nervously: ''The police should be here soon.''

The battle in Dafeng, which began Dec. 16 and ended less than two weeks later in defeat for the workers, is part of a larger story playing out across China's fast-changing industrial landscape. Two decades after the ruling Communist Party adopted capitalist economic reforms while continuing to restrict political freedom, growing numbers of Chinese workers are risking arrest to stage strikes, sit-downs and other demonstrations.

In many ways, these protests are acts of desperation by people struggling to survive without the help of effective labor unions, courts or other institutions that provide checks and balances in a market economy.

As thousands of state factories are closed or sold, workers who once were promised lifetime job security and benefits now face mass layoffs and, sometimes, the loss of their savings to corrupt managers. Their willingness to fight back presents a thorny political problem for a party that has always staked its legitimacy on providing a better life for the working class.

It is difficult to estimate how often these protests occur, in part because local officials often try to conceal them from their superiors.

But one recent government report acknowledges the country is in the midst of a ''high tide'' of labor unrest, with the number of workers participating in strikes more than doubling in the first half of the 1990s alone. Another report in an internal party publication said there were 30,000 protests of significant size in 2000, or more than 80 incidents per day.

The authorities often respond to these protests by trying to appease the workers; at other times they react with force, sending in police and jailing the most outspoken demonstrators.

''We have no idea what's going to happen next,'' the young woman in the factory here said that night as the strike wore on. Like many interviewed for this report, she asked not to be identified out of fear she would be arrested. ''The government doesn't want to back down, and neither do we.''

A SECRET BANKRUPTCY

The Shuangfeng Textile Factory lies on the outskirts of Dafeng, a quick drive from the city's glittering downtown into a dreary neighborhood of run-down buildings and dirt alleyways. Off the main roadway, past a row of ramshackle shops, a large crowd of workers gathers in front of the factory's creaky metal gate.

There is no picket line, just a group of men and women in heavy coats milling about restlessly in the middle of the road, stamping their feet to keep warm under a pale yellow street lamp. Their faces are lined from years of squinting while operating spinning machines and, more recently, from lack of sleep. Some of the workers are smoking; others have been drinking. Every time a car drives by, the crowd gets jittery.

Past the gate is the factory itself, a deteriorating complex built in 1931, before the Communist revolution. It is the city's oldest and largest textile mill, one of several in this cotton-growing region that produces yarn and cloth for the nation's garment factories.

In the mid-1990s, Beijing began pushing local officials to either get rid of small, money-losing state firms like the mill or make them profitable. What followed was a disorderly process in which the government often sold stock in factories to the workers, but retained control as the majority shareholder. China's Communist rulers had not yet embraced full privatization.

''Some people invested willingly. Others didn't think it was a good idea. But in the end, we all handed over the money,'' said one worker in the spinning division. ''If we didn't give them the money, we would lose our jobs.''

Last November, the company suddenly and secretly filed for bankruptcy. The factory boss and several other managers emerged as the firm's new owners. The workers discovered what had happened only weeks later, when a local newspaper published a short item about the transaction.

They immediately suspected they had been victim of a ''fake bankruptcy,'' a common phenomenon in China in which corrupt managers hide a factory's assets, declare bankruptcy and then purchase the firm themselves at a reduced price, often with money they have embezzled.

The man who gained the most in the bankruptcy was Shi Yongsheng, the mill's manager and now its largest shareholder, according to workers and local officials. Shi was appointed to run the mill only three years ago after a career managing several smaller state factories in Dafeng, including a tannery and a fur plant.

Residents describe him as a close friend of one of the city's deputy party secretaries. Workers said he bragged to other managers about his plan to slash salaries. Shi did not return telephone calls, and a government spokesman said Shi was too busy to speak to reporters.

But a company document obtained by workers showed that the factory owed them $14 million, including $2 million for the shares they had purchased and $3 million they had paid toward their pensions. In addition, the document said, the government had provided the factory with nearly $8 million to help it cover its debts to workers and provide those laid off with welfare payments.

A government official in Dafeng confirmed the figures were accurate. Where all that money went, though, remains a mystery.

''What happened to our money? How did we go bankrupt?'' asked one longtime employee, who asked that he be identified only by his surname, Zhang. ''We had a lot of questions. No one gave us any answers.''

STRIKE WITHOUT SLOGANS

Instead of an explanation, the workers got a pay cut. On Dec 13, managers began calling in employees and demanding they sign new contracts slashing their salaries by half, to between $25 and $40 a month.

The workers revolted. In a meeting, an employee tore up the contract in front of her supervisors, workers said. In another, a worker denounced factory managers, saying, ''Officials live off the labor of the workers!''

With resistance rising, the company tried to make an example of two outspoken employees in the spinning division, young mothers named Chen Feng and Liu Landing. On the morning of Dec. 16, the factory hung a large poster on the front gate declaring that ''the two comrades have separated from their posts and from the factory.''

''I had worked in the mill for seven or eight years, and I have an 11-year-old child to support,'' said Chen, 29, by telephone several weeks later. ''So, of course, I was depressed.'' Chen declined to discuss why she was fired, but she confirmed what happened next: ''The workers went on strike, and they asked the company to let me go back to work.''

A strike is a sensitive undertaking in China. The Communist Party has always portrayed itself as a workers' party, and it still teaches schoolchildren how Mao Zedong launched his career by organizing strikes among miners and railway workers. But the government has also absorbed the lesson of how strikes helped bring down Communist regimes in Eastern Europe and the Soviet Union.

HONORING DAN TIDWELL AND JAMIE MIZE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to honor Dan Tidwell and Jamie Mize. On February 16, 2002, Diverse Works Artspace, will host its Illumination Gala which will honor Dan and Jamie as two of Houston's most enlightened contemporary art champions. Diverse Works Artspace is a non-profit art center dedicated to presenting new visual, performing, and literary art. Known for its ground-breaking artistic education programs, Diverse Works is one of the most prominent contemporary art centers in the United States. Diverse Works serves as a venue for artistic exploration and audience development.

Dan Tidwell and Jamie Mize are longtime businessmen and philanthropists who pioneered the revitalization of Houston's Historic Downtown District. In 1978, Dan and Jamie opened their first restaurant, Treebeards, in Houston's historic Market Square as a tiny establishment hosting only 30 guests. Today,

Treebeards has grown to four locations in both downtown Houston and Dallas and in 1999 was named ''Best Downtown Restaurant'' by the readers of the Houston Press. The rebuilding of the Treebeards' Market Square location marked one of the many restoration endeavors taken on by the pair. In 1999, they reconstructed the Scholibo building, rebuilt the canopy and restored the facade of the 1861 Baker-Myer Building.

Dan and Jamie have both served as Chair of the Downtown Historic District Board. In an effort to rejuvenate downtown Houston, they have provided direction to neighboring businesses on issues ranging from building design to parking management. Jamie currently serves as a member of the Design Review/Grants Committee, which awards facade rehabilitation matching grants to property owners and tenants. Additionally, he chaired the committee on Parking Management, as a result of their work, the City of Houston has adopted a Valet Ordinance. In collaboration with Diverse Works, Dan and Jamie designed Market Square Park, which features historic photographs and fragments of long demolished buildings.

In addition to serving as Chair of the Downtown Historic District Board and managing an establishment, Dan and Jamie have been actively involved in humanitarian efforts. Their exceptional leadership in the community has earned the respect of many in both the business and civic communities. They have contributed to the improvement of our community by providing countless meals for charity events, volunteering for Diverse Works Galas, and feeding the hungry through the End Hunger Network.

No one has done more to improve Houston's Historic Market Square District than Dan and Jamie. Through their exemplary model of community activism, they were named ''Downtowners'' of the Year 1999,'' awarded two ''Gold Brick Awards'' from the Greater Houston Preservation Alliance and received the highest honor for historic preservation from the American Planning Association, Houston Affiliation.

Mr. Speaker, it is with great honor that I congratulate my friends, Dan Tidwell and Jamie Mize, on the occasion of their being recognized for their significant commitment to the Arts.

CENTRAL NEW JERSEY HONORS CENTENARIAN JEANETTE GIUNCO

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize Central New Jersey centenarian, Ms. Jeanette Giunco, a resident of Freehold, NJ celebrating her one-hundredth birthday on Sunday, February 17, 2002.

Born to Elizabeth Seckler and Joseph Schmidt in Mulhouse, in the Province of Alsace-Lorraine, Germany, Ms. Giunco was one of eight children. Throughout the late 1800s and early 1900s, Alsace-Lorrain was a disputed region between France and Germany. As a result of the Versailles Peace Treaty in 1981, the region returned to France. It is interesting to note that during World War II, her brother August repaired General Eisenhower's automobile and shook his hand during the European Conflict.

Ms. Giunco came to the United States in 1926 where she lived in New York City and took her first—and according to her, her best—job, as a companion speaking French to a businessman's family as she was fluent in German, French, Alsation and English. Another job as a companion and housekeeper moved her to Belmar, New Jersey in 1927 to work for the Strauss family.

During that same year, Jeanette married a local Belmar merchant, Mr. Albert P. Giunco. Albert's family had operated various businesses in Belmar since the 1870s and by 1927, Albert and his brothers ran a series of food markets, liquor stores and butcher shops in the Monmouth County shore area. Jeanette and Albert had two children, John and Richard. Currently, Ms. Giunco is the proud grandmother of eight and great-grandmother of nine.

Ms. Giunco was involved with many civic organizations such as the Belmar Women's Club and Fitkin Hospital—now know as the Jersey Shore Medical Center. Fitkin Hospital recognized her for over 2,000 hours of volunteer service.

Ms. Giunco has traveled extensively, visiting Europe as well as travels throughout the United States, Canada and South America.

As a proud citizen of the United States, Ms. Giunco has exercised her rights throughout the years, particularly carrying out her right to vote. She reflects that the World Wars and particularly the attack on Pearl Harbor were significant events and has found particular fascination with the fact that when she was born, airplanes and rockets were but a dream and yet less than 70 years later there was a man walking on the moon. Ms. Giunco regrets the recent terrorist attacks against the United States and has prayed for peace throughout the world.

Mr. Speaker, again, I rise to celebrate and honor this Central New Jersey centenarian and I ask my colleagues to join me in recognizing Ms. Jeanette Giunco and celebrating her one hundredth birthday on Sunday, February 17, 2002.

TRIBUTE TO JOHNNIE THOMPSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Johnnie Thompson of South Carolina, a decorated combat veteran of the Korean War who, after retiring from the Army, served for twenty-two years as an elected official on the City Council of Walterboro, South Carolina.

Over the years he has maintained a commitment to veterans of the armed forces. In 1989, he co-chaired a committee that established a Colleton County Veterans Monument to honor all of Colleton County's fallen veterans from World War I, World War II, the Korean War, and the Vietnam War.

In 1993 he was instrumental in bringing back the renowned Tuskegee Airmen who trained for combat in Walterboro, South Carolina, and the Governor awarded the Order of the Palmetto to each of the Tuskegee Airmen who attended. These events brought worldwide attention to Walterboro and to the State of South Carolina. Under Mr. Thompson's leadership a World War II Memorial Park was dedicated and the Tuskegee Airmen Monument was unveiled at the Walterboro Airport in 1997.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Johnnie Thompson for the outstanding service he has provided the U.S. Army, the state of South Carolina, and his beloved Walterboro Community. I sincerely thank Mr. Thompson for his contributions and wish him the best in all of his future endeavors.

Daily Digest

HIGHLIGHTS

House agreed to the Senate amendments to H.R. 622, Economic Security and Worker Assistance Act, with amendments.

Senate

Chamber Action

Routine Proceedings, pages S793–S878

Measures Introduced: Twelve bills and one resolution were introduced, as follows: S. 1945–1956, and S. Res. 210. **Pages S852–53**

Measures Reported:

S. 980, to provide for the improvement of the safety of child restraints in passenger motor vehicles, with an amendment in the nature of a substitute. (S. Rept. No. 107–137) **Page S852**

Measures Passed:

Economic Recovery/Unemployment Compensation: Senate passed H.R. 3090, to provide tax incentives for economic recovery, after agreeing to the following amendment proposed thereto: **Pages S841–42**

Daschle Amendment No. 2896, in the nature of a substitute, to provide for a program of temporary extended unemployment compensation.

Pages S841–42

National Donor Day: Senate agreed to S. Res. 210, designating February 14, 2002, as "National Donor Day". **Page S877**

Measure Rejected:

Budget and Deficit Control: Senate rejected S.J. Res. 31, suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985. **Page S877**

Election Reform: Senate continued consideration of S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, and to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, taking action on the following amendments proposed thereto:

Pages S797–S830, S832–35

Adopted:

McConnell Amendment No. 2892 (to Amendment No. 2891), to permit the use of social security numbers for the purposes of voter registration and election administration. **Pages S809–11, S829–30**

Kyl Amendment No. 2891, to permit the use of social security numbers for the purposes of voter registration and election administration.

Pages S809–11, S829, S832

McConnell (for Chafee/Reed) Amendment No. 2908, to clarify that States and localities with multiyear contracts are eligible to apply for grants under the Act. **Page S835**

McConnell (for Gregg) Amendment No. 2909, to ensure that States that are exempt from the National Voter Registration Act of 1993 continue to remain exempt from such Act. **Page S835**

McConnell (for McCain/Harkin) Amendment No. 2910, modifying certain provisions with respect to the Architectural and Transportation Barriers Compliance Board. **Page S835**

Rejected:

By 31 yeas to 63 nays (Vote No. 31), Reid/Specter Amendment No. 2879, to secure the Federal voting rights of certain qualified persons who have served their sentences. **Pages S797–S809**

By 44 yeas to 50 nays (Vote No. 32), Durbin Amendment No. 2895, to eliminate the special treatment of punchcard voting systems under the voting system standards. **Pages S813–20**

By 46 yeas to 49 nays (Vote No. 33), Lieberman Modified Amendment No. 2890, to authorize administrative leave for Federal employees to perform poll worker service in Federal elections.

Pages S823–26, S832

By 40 yeas to 55 nays (Vote No. 34), Burns Amendment No. 2887, to clarify the ability of election officials to remove registrants from official list of voters on grounds of change of residence.

Pages S821, S826–27, S833–34

Withdrawn:

Lieberman/Feingold Amendment No. 2889, to provide for full voting representation in Congress for the citizens of the District of Columbia, to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect. **Pages S821–22**

Nelson (FL)/Graham Amendment No. 2904, to require the Attorney General to submit to Congress reports on the investigation of the Department of Justice regarding violations of voting rights in the 2000 elections for Federal office. **Pages S827–29**

Pending:

Clinton Amendment No. 2906, to establish a residual ballot performance benchmark. **Pages S834–35**

Dayton Amendment No. 2898, to establish a pilot program for free postage for absentee ballots cast in elections for Federal office. **Pages S836–37**

Dodd (for Harkin) Amendment No. 2912, to provide funds for protection and advocacy systems of each State to ensure full participation in the electoral process for individuals with disabilities.

Pages S837–38

Dodd (for Harkin/McCain) Amendment No. 2913, to express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters. **Pages S838–39**

Dodd (for Schumer) Modified Amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail. **Pages S838–39**

A unanimous-consent agreement was reached providing for consideration of certain first degree amendments, subject to second degree amendments which are relevant to the amendment to which it is offered, that upon the disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill, that upon passage, the title amendment be agreed to. **Page S839**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Friday, February 15, 2002. **Pages S877–78**

Farm Bill—Agreement: A unanimous-consent agreement was reached providing that H.R. 2646, Farm Bill, be printed as passed by the Senate on Wednesday, February 13, 2002. **Page S877**

National Laboratories Partnership Improvement Act—Agreement: A unanimous-consent agreement was reached providing for consideration of S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, at a time to be determined by the Majority and Republican Leaders. **Page S877**

Nominations Confirmed: Senate confirmed the following nominations:

David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia.

Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget.

Pages S841, S878

Messages From the House: **Page S852**

Additional Cosponsors: **Pages S853–54**

Statements on Introduced Bills/Resolutions: **Pages S854–64**

Additional Statements: **Pages S850–52**

Amendments Submitted: **Pages S864–76**

Authority for Committees to Meet: **Pages S876–77**

Privilege of the Floor: **Page S877**

Record Votes: Four record votes were taken today. (Total—34) **Pages S809, S820, S833, S834**

Adjournment: Senate met at 9:30 a.m., and adjourned at 7:52 p.m., until 10 a.m., on Friday, February 15, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S878).

Committee Meetings

(Committees not listed did not meet)

U.S. COAST GUARD

Committee on Appropriations: Subcommittee on Transportation concluded hearings on proposed budget estimates for fiscal year 2003 for the U.S. Coast Guard, after receiving testimony from Admiral James M. Loy, USCG, Commandant, U.S. Coast Guard, and Kenneth M. Mead, Inspector General, both of the Department of Transportation.

DEFENSE AUTHORIZATION

Committee on Armed Services: Committee concluded open and closed hearings to examine proposed legislation authorizing funds for fiscal year 2003 for the

Department of Defense, focusing on the results of the Nuclear Posture Review, after receiving testimony from Douglas J. Feith, Under Secretary of Defense for Policy; John A. Gordon, USAF (Ret.), Under Secretary of Energy for Nuclear Security and Administrator, National Nuclear Security Administration; and Adm. James O. Ellis, Jr., USN, Commander in Chief, United States Strategic Command.

ACCOUNTING AND INVESTOR PROTECTION

Committee on Banking, Housing, and Urban Affairs: Committee resumed oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies, focusing on the relevance of the work of the International Accounting Standards Committee and its associated bodies to the evident problems besetting the accounting and auditing profession, after receiving testimony from Paul A Volcker, Arthur Andersen Independent Oversight Board, New York, New York, former Chairman, Federal Reserve, and Sir David Tweedie, London, England, former Chairman of the United Kingdom's Accounting Standards Board, both on behalf of the International Accounting Standards Board.

Hearings recessed subject to call.

2003 BUDGET

Committee on the Budget: Committee continued hearings on the President's proposed budget request for fiscal year 2003 and revenue proposals, focusing on the Department of Health and Human Services, after receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services.

Hearings recessed subject to call.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded hearings on S. 202 and H.R. 2440, to rename Wolf Trap Farm Park for the Performing Arts as "Wolf Trap National Park for the Performing Arts"; S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument; S. 1061 and H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historic Park; S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks; S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park; and H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona, after receiving testimony from Senator Warner; Durand Jones, Deputy Director, National Park Service, Department of the Interior; Terrence D. Jones, Wolf Trap Foundation for the Performing Arts, Vienna, Virginia; and Karla Lutz Bowling, Bell County Chamber of Commerce, Middlesboro, Kentucky.

FEDERAL DEBT LIMIT

Committee on Finance: Subcommittee on Long-term Growth and Debt Reduction concluded hearings to examine the Administration's request to increase the federal debt limit, after receiving testimony from Paul O'Neill, Secretary of the Treasury; Bruce R. Bartlett, National Center for Policy Analysis, Robert L. Bixby, The Concord Coalition, and Gene B. Sperling, Brookings Institution, all of Washington, D.C.

AFRICA AIDS/HIV CRISIS

Committee on Foreign Relations: Committee concluded hearings to examine the prevention and treatment of the HIV/AIDS crisis in Africa, after receiving testimony from Eugene McCray, Director, Global AIDS Program, Centers for Disease Control and Prevention, Department of Health and Human Services; Anne Peterson, Assistant Administrator for Global Health, U.S. Agency for International Development; Jeffrey D. Sachs, Harvard University Center for International Development, Cambridge, Massachusetts, on behalf of the World Health Organization Commission on Macroeconomics and Health; Jim Yong Kim, Harvard Medical School Program in Infectious Disease and Social Change, Boston, Massachusetts; and Martin J. Vorster, Mahyeno Tributary Mamelodi, Pretoria, South Africa.

WORKING POOR

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine needs of the working poor and helping welfare recipients find work and balance the needs of their families, after receiving testimony from Heather Boushey, Economic Policy Institute, and Peter Edelman, Georgetown University Law Center, both of Washington, D.C.; Ellen Bravo, 9 to 5, National Association of Working Women, Milwaukee, Wisconsin; Debra A. Greenwood, New York, New York, on behalf of the Welfare Made a Difference Campaign; Sharon Johnson, Key Bridge Marriott, Rosslyn, Virginia, on behalf of the Welfare to Work Partnership; and Barbara Ehrenreich, Key West, Florida.

IDENTITY THEFT AND PRIVACY PROTECTION

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information held hearings to examine identity theft, and privacy and protection of personal information, and the need for legislation to deter and protect against the misuse of this information, including S. 1055, to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, receiving testimony from Senator Gregg; Richard M. Stana, Director, Justice Issues, General Accounting Office; Susan Fisher, Doris Tate Crime Victims Bureau, Carlsbad, California; Douglas B. Comer, Intel Corporation, and Frank Torres, Consumers Union, both of Washington, D.C.; and Jonathan D. Avila, Walt Disney Company, Burbank, California.

Hearings recessed subject to call.

VETERANS AFFAIRS AUTHORIZATION

Committee on Veterans' Affairs: Committee concluded hearings to examine the President's proposed budget request for fiscal year 2003 for veterans' programs, after receiving testimony from Anthony J. Principi, Secretary, Frances M. Murphy, Acting Under Secretary for Health, and Guy H. McMichael III, Acting Under Secretary for Benefits, all of the Department of Veterans Affairs; Bob Jones and Richard Jones, both of AMVETS, Lanham, Maryland; Richard Fuller, Paralyzed Veterans of America, Rick Surratt, Disabled American Veterans, Paul A. Hayden, Veterans of Foreign Wars of the United States, and James R. Fischl, American Legion, all of Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 23 public bills, H.R. 3761–3783; and 3 resolutions, H. Con. Res. 331–332, and H. Res. 348, were introduced.

Pages H523–24

Reports Filed: Reports were filed today as follows: H.R. 3208, to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, as well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection (H. Rept. 107–360, Part I) **Page H522**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today.

Page H467

Journal: The House agreed to the Speaker's approval of the Journal of Feb. 14 by a yea and nay vote of 342 yeas to 51 nays with 1 voting "present," Roll No. 35. **Pages H467–68**

Economic Security and Worker Assistance Act: By a yea and nay vote of 225 yeas to 199 nays, Roll No. 38, the House agreed to the Senate amendments to H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, with amendments that insert, in lieu of the matter to be inserted by the amendment of the Senate to the text of the bill, provisions of the Economic Security and Worker Assistance Act; and **Pages H477–H509**

Further in lieu of the title proposed to be inserted by the amendment of the Senate to the bill, the following title was inserted: "An act to provide tax incentives for economic recovery and assistance to displaced workers."

Agreed to H. Res. 347, the rule that provided for consideration of the Senate amendments by a recorded vote of 213 ayes to 206 noes, Roll No. 37. Earlier, agreed to order the previous question by a yea and nay vote of 216 yeas to 207 nays, Roll No. 36. **Pages H468–77**

President's Day District Work Period: The House agreed to S. Con. Res. 97, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. **Page H509**

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until February 26, 2002, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and make appointments authorized by law or by the House. **Page H509**

George Washington's Birthday Observance: Agreed that it shall be in order for the Speaker to appoint two members of the House, one upon the recommendation of the Minority Leader, to represent

the House of Representatives at appropriate ceremonies for the observance of George Washington's Birthday to be held on Friday, February 22, 2002. Page H509

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, February 27. Page H509

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions. Page H509

Senate Message: Messages received from the Senate today appear on pages H468 and H521.

Referrals: S. Con. Res. 96 was held at the desk. Page H468

Quorum Calls—Votes: Three yea and nay votes and one recorded vote developed during the proceedings of the House today and appears on pages H467–68, H476–77, H477, and H508–09. There were no quorum calls.

Adjournment: The House met at 10 a.m. and at 4:06 p.m., pursuant to the provisions of S. Con. Res. 97, the House stands adjourned until 2 p.m. on Tuesday, February 26, 2002.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on the Office of Inspector General. Testimony was heard from Joyce Fleischman, Acting Inspector General, USDA.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on Fiscal Year 2002 Department of Defense Budget Overview. Testimony was heard from the following officials of the Department of Defense: Donald H. Rumsfeld, Secretary; and Gen. Richard J. Myers, USAF, Chairman, Joint Chiefs of Staff.

LABOR, HHS, AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services and Education held a hearing on the Department of Labor-Worker Protection Agencies Panel. Testimony was heard from the following officials of the Department of Labor, Worker Protection Agencies: Tammy McCutchen, Administrator, Wage and Hour Division, Employment Standards Administration; Ann Combs, Assistant Secretary, Pension and Welfare Benefits Administration; John Henshaw, Assistant Secretary, Occupational Safety and Health Administration; Dave Lauriski, Assistant Secretary, Mine Safety and Health Administration; and Thomas Moorhead, Deputy Under Secretary, Bureau of International Labor Affairs.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on European Command. Testimony was heard from Gen. Joseph W. Ralston, USAF, Commander in Chief, European Command, Department of Defense.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the Office of the Secretary. Testimony was heard from Michael Jackson, Deputy Secretary, Department of Transportation.

MEMBERS DAY

Committee on the Budget: Held a hearing on Members Day. Testimony was heard from Representatives Skelton, Hoyer, McDermott, Frank, Allen, Udall of New Mexico, Osborne, Kucinich, Pence, Pascrell, Gekas, Kennedy of Minnesota, George Miller of California, Ehlers, Bilirakis, Christensen and Hunter.

21ST CENTURY—EQUIPPING MUSEUMS AND LIBRARIES

Committee on Education and the Workforce: Subcommittee on Select Education held a hearing on "Equipping Museums and Libraries for the 21st Century." Testimony was heard from Robert S. Martin, Director, Institute of Museum and Library Services; and public witnesses.

ARE CURRENT FINANCIAL ACCOUNTING STANDARDS PROTECTING INVESTORS

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled "Are Current Financial Accounting Standards Protecting Investors?" Testimony was heard from Robert K. Herdman, Chief Accountant, SEC; Edmund L. Jenkins, Chairman, Financial Accounting Standards Board; and public witnesses.

MEDICARE PAYMENT POLICY

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Medicare Payment Policy: Ensuring Stability and Access Through Physician Payments." Testimony was heard from Thomas Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and

Human Services; William J. Scanlon, Director, Health Care Issues, GAO; Martha McSteen, President, National Committee to Preserve Social Security and Medicare; and public witnesses.

ENRON FINANCIAL COLLAPSE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations continued hearings on the Financial Collapse of Enron Corp. Testimony was heard from Sherron Watkins, Vice President, Corporate Development, Enron Corporation.

JOE BARBOZA MURDER TRIAL

Committee on Government Reform: Continued hearings entitled "The California Murder Trial of Joe 'The Animal' Barboza: Did the Federal Government Support the Release of a Dangerous Mafia Assassin?" Testimony was heard from Jay S. Bybee, Assistant Attorney General, Office of Legal Counsel, Department of Justice; and Edward J. Harrington, former Assistant U.S. Attorney.

In refusing to give testimony, H. Paul Rico, former Special Agent, FBI, Department of Justice, invoked Fifth Amendment privileges.

EAST ASIA AND THE PACIFIC—U.S. INTERESTS

Committee on International Relations: Subcommittee on East Asia and the Pacific held a hearing on U.S. Interests in East Asia and the Pacific: Problems and Prospects in the Year of the Horse. Testimony was heard from James A. Kelly, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

OVERSIGHT—FEDERAL TRADEMARK DILUTION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on the "Federal Trademark Dilution Act." Testimony was heard from public witnesses.

BUDGETS—BUREAU OF LAND MANAGEMENT AND FOREST SERVICE ENERGY AND MINERALS

Committee on Resources: Subcommittee on Energy and Mineral Research held an oversight hearing on the "Fiscal Year 2003 Bureau of Land Management and Forest Service Energy and Minerals Program Budgets." Testimony was heard from Kathleen Clarke, Director, Bureau of Land Management, Department of the Interior; and Tom Thompson, Deputy Chief, Forest Service, USDA.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 1712, to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park; and H.R. 2937, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range. Testimony was heard from Senator Reid; from the following officials of the Department of the Interior: John Reynolds, Regional Director, Pacific West Region, National Park Service; and Carson Culp, Assistant Director, Minerals, Realty, and Resource Protection, Bureau of Land Management; and John J. Lee, Legislator, State of Nevada.

MISCELLANEOUS MEASURES—OVERSIGHT—CALIFORNIA WATER DELIVERY SYSTEM

Committee on Resources: Subcommittee on Water and Power approved for full Committee action, as amended, the following bills: H.R. 1870, Fallon Rail Freight Loading Facility Transfer Act; and H.R. 706, Lease Lot Conveyance Act of 2001.

The Subcommittee also held an oversight hearing on the "Operations of the Water Delivery System in California: the CALFED Record of Decision-and Anticipated Water Deliveries for 2002." Testimony was heard from Bennett W. Raley, Assistant Secretary, Water and Science, Department of the Interior; Steve Macaulay, Chief Deputy Director, Department of Water Resources, State of California; and public witnesses.

AMTRAK REFORM COUNCIL'S RESTRUCTURING PLAN

Committee on Transportation and Infrastructure: Subcommittee on Railroads held a hearing on the Amtrak Reform Council's Restructuring Plan. Testimony was heard from the following officials of the Amtrak Reform Council: Gilbert Carmichael, Chairman; Nancy Rutledge Connery, James E. Coston, Wendell Cox, Charles Moneypenny, all members; and Tom Till, Executive Director.

AGENCY BUDGETS AND PRIORITIES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Agency Budgets and Priorities for Fiscal Year 2003. Testimony was heard from the following officials of the EPA: Marianne Lamont Horinko, Assistant Administrator, Solid Waste and Emergency Response; and Benjamin H. Grumbles, Deputy Assistant Administrator, Water; Janet C. Herrin, Senior Vice President, River Operation, TVA; Margaret A. Davidson, Acting Assistant Administrator, National Ocean Service, NOAA, Department of Commerce; and Thomas A. Weber,

Deputy Chief, Natural Resources Conservation Programs, National Resources Conservation Service, USDA.

BALLISTIC AND CRUISE MISSILE THREATS

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to hold a hearing on Ballistic and Cruise Missile Threats. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 15, 2002

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management, and Intergovernmental Relations, hearing on ''The President's Management Agenda: Getting Agencies from Red to Green,'' 10:30 a.m., 2154 Rayburn.

Next Meeting of the **SENATE**

10 a.m., Friday, February 15

Senate Chamber

Program for Friday: Senate will continue consideration of S. 565, Election Reform.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

2 p.m., Tuesday, February 26

House Chamber

Program for Tuesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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